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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91185103
Party	Plaintiff Cherokee Nation, a federally recognized Indian Tribe
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally recognized  
Indian tribe,**

**Opposers,**

**v.**

**TIFFANY ADAMS,**

**Applicant.**

**Opposition No. 91185103**

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

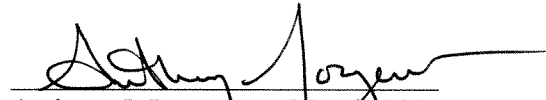
Opposer, the Cherokee Nation, pursuant to Federal Rule of Civil Procedure 56, moves the Trademark Trial and Appeal Board to enter summary judgment in its favor sustaining Opposition No. 91185103. This Motion is made on the grounds that there are no genuine issues of material fact and that Opposer is entitled to judgment in its favor as a matter of law as set forth in the accompanying Opposer's Brief in Support of Motion for Summary Judgment.

WHEREFORE, Opposer respectfully requests that the Board enter summary judgment in its favor and against Applicant, Tiffany Adams, and sustain Opposition No. 91185103. Opposer further respectfully requests that the Board suspend all further proceedings in this Opposition pending the Board's ruling on Opposer's Motion for Summary Judgment, including all remaining discovery, testimony and trial dates and deadlines, pursuant to 37 C.F.R. § 2.127(d) and T.B.M.P. § 528.03.

DATED this 16th day of March, 2009.



Respectfully submitted,

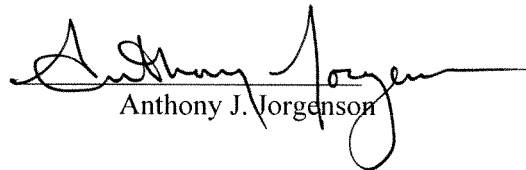


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**ATTORNEYS FOR OPPOSER,  
CHEROKEE NATION**

**CERTIFICATE OF FILING**

I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing Opposers' Motion for Summary Judgment is being filed with the Electronic System for Trademark Trial and Appeals ("ETTSa") of the U.S. Patent and Trademark Office on this 16<sup>th</sup> day of March, 2009.

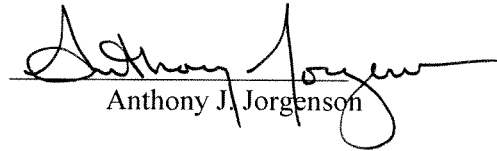


Anthony J. Jorgenson

### **CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on this 16th day of March, 2009, a true and correct copy of the above and foregoing OPPOSER'S MOTION FOR SUMMARY JUDGMENT was served upon Applicant by first class mail, proper postage prepaid, at the following address:

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Anthony J. Jorgenson

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally recognized  
Indian tribe,**

**Opposer,**

**v.**

**TIFFANY ADAMS,**

**Applicant.**

**Opposition No. 91185103**

**OPPOSER'S BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Opposer, Cherokee Nation, by and through its undersigned counsel, has moved the Trademark Trial and Appeal Board (the "Board"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 2.127 of the Trademark Rules of Practice, for summary judgment in its favor and sustaining Opposition No. 91185103. As set forth herein, there are no genuine issues of material fact and Opposer is entitled to judgment as a matter of law on its claims that Applicant's proposed mark, **CHEROKEE**, is confusingly similar to Opposer's marks, falsely suggests a connection to Opposer, and consists of or includes matter which may disparage Opposer and/or its citizens or bring them into contempt or disrepute. Accordingly, the Opposition should be sustained and Applicant denied registration of her proposed mark.

**INTRODUCTION**

The law does not allow the registration of marks on the Principal Register where those marks are likely to cause confusion with virtually identical marks that are already registered or where a prior user of virtually identical marks is likely to be harmed by their registration. See 15 U.S.C. § 1052(a). Opposer owns prior use rights in its mark, **CHEROKEE NATION**, and more generally, **CHEROKEE**, to indicate membership in the Cherokee Indian tribe and in connection with a myriad of goods sold by and services, including entertainment services, offered by Opposer. Notwithstanding the long and pervasive use of the mark by Opposer, Applicant seeks to register the mark **CHEROKEE** for use in the sale of entertainment services.

Applicant's attempt to register her proposed mark should be summarily refused. Applicant's proposed mark makes it likely, if not probable, that the mark will be confused with Opposer and/or Opposer's marks. Applicant's proposed mark is Opposer's name. Clearly, the average consumer is likely to be confused as to both the source and sponsorship of Applicant's entertainment services.

Moreover, Opposer has no connection or affiliation with Applicant or her entertainment services. Yet, the fame and reputation of Opposer is such that such a connection would be presumed. Applicant's proposed mark, and the manner it is used in the marketplace, create the false impression that Applicant's services are somehow affiliated with, or sponsored by Opposer. For this additional reason, Applicant's attempt to register the mark, **CHEROKEE**, should be refused.

Finally, Applicant's proposed mark undeniably refers to Opposer and/or its members. The use of Applicant's proposed mark in connection with pornographic adult entertainment services is deeply offensive, dehumanizing and disparaging to Opposer and to a substantial composite of Opposer's members. As the Examining Attorney correctly concluded, the Lanham Act prohibits registration of Applicant's proposed mark.

#### **STATEMENT OF UNDISPUTED MATERIAL FACTS**

##### **A. THE CHEROKEE NATION**

1. Opposer, Cherokee Nation, is a federally recognized Indian tribe that provides governmental, social, financial, educational, and other services to its tribal citizens. Opposer is the second largest Indian tribe in the United States. Nearly 70,000 citizens live within Opposer's Tribal Jurisdictional Service Area and more than 200,000 citizens are dispersed throughout the world. See Notice of Opposition, ¶ 1, Ex. 1;<sup>1</sup> Cherokee Nation, A Brief History of the Cherokee Nation, <http://www.cherokee.org/Culture/571Page/print.aspx> (accessed Mar. 12, 2009), Ex. 2; Cherokee Nation, 2008 Report to the Cherokee People, Ex. 3.

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<sup>1</sup> Pursuant to T.B.M.P. § 528.05(b), the Declaration of Anthony J. Jorgenson attached hereto as Exhibit 49 authenticates those documents and other materials submitted with this brief that are not self-authenticating.

2. Opposer has used the mark **CHEROKEE NATION**, and more generally, the mark **CHEROKEE**, in conjunction with its governmental, social, financial, educational, and other services since at least 1791 (Treaty of Holston, July 2, 1791). See Notice of Opposition, ¶ 2, Ex. 1; Cherokee Nation, Treaty of Holston, 1791, <http://www.cherokee.org/Culture/130/Page/print.aspx> (accessed Mar. 12, 2009), Ex. 4. Opposer has priority in Opposer's marks over Applicant's priority in her proposed mark. See Application at 2, Ex. 5 (identifying 8/00/2002 as date of first use anywhere).

3. Since its initial use of its **CHEROKEE NATION** and **CHEROKEE** marks, Opposer has continuously used, advertised, promoted, and offered its governmental, social, financial, educational and other services under the **CHEROKEE NATION** and **CHEROKEE** marks with the result that individuals have come to know and recognize Opposer's **CHEROKEE NATION** and **CHEROKEE** marks and to associate the same with Opposer and/or Opposer's services. See Notice of Opposition, ¶ 3, Ex. 1; Wikipedia.org, Cherokee, <http://en.wikipedia.org/w/index.php?title=Cherokee&printable=yes> (accessed Mar. 10, 2009), Ex. 6; Cherokee Nation, 2008 Report to the Cherokee People, Ex. 3.

4. Opposer owns Cherokee Nation Enterprises, L.L.C. ("CNE"). CNE is the gaming and hospitality arm of the Cherokee Nation. CNE owns and operates Cherokee Casino Resort, six (6) Cherokee Casinos, Cherokee Casino Will Rogers Downs, two (2) golf courses, and many other retail operations in Northeast Oklahoma. Id. at 14; Cherokee Nation, Organizations, <http://www.cherokee.org/Organizations/Default.aspx> (accessed Mar. 11, 2009), Ex. 7.

5. Through CNE, Opposer provides entertainment services in connection with its **CHEROKEE** and **CHEROKEE NATION** marks. See Cherokee Casino Resort, TARR Status, Ex. 8; Cherokee Hills Golf Club, TARR Status, Ex. 9. Opposer's entertainment services are advertised and promoted via, among other means, the Internet. See Cherokee Casino, Overview, <http://www.cherokeecasino.com/Casinos/Tulsa/Overview/tabid/300/Default.aspx> (accessed Mar. 12, 2009), Ex. 10; Cherokee Casino, Cherokee Hills Golf Club, <http://www.cherokeecasino.com/Golf/Tulsa/CherokeeHillsGolfClub/tabid1212/Default.aspx> (accessed Mar. 12, 2009), Ex. 11.

6. The term “Cherokee,” is defined as:
- (i) a Native American people formerly inhabiting the southern Appalachian Mountains from the western Carolinas and eastern Tennessee to northern Georgia, with present-day populations in northeast Oklahoma and western North Carolina. The Cherokee were removed to Indian Territory in the 1830s after conflict with American settlers over rights to traditional lands.
  - (ii) a member of this people.
  - (iii) the Iroquoian language of the Cherokee.

See Cherokee, The American Heritage Dictionary of the English Language (4<sup>th</sup> ed. 2000), <http://www.bartleby.com/61/60/C0276006.html> (accessed Mar. 10, 2009), Ex. 12. The word “CHEROKEE” is commonly recognized to refer to the Native American Indian tribe of that same name. See, e.g., Cherokee, AskOxford.com, Compact Oxford English Dictionary, [http://askoxford.com/concise\\_oed/Cherokee?view=ok](http://askoxford.com/concise_oed/Cherokee?view=ok) (accessed Mar. 10, 2009), Ex. 13; Cherokee, Encarta World English Dictionary (North American Ed. 2009), <http://Encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=18615965> (accessed Mar. 10, 2009), Ex. 14; Cherokee, Merriam-Webster Online Dictionary (2009), <http://www.merriam-webster.com/dictionary/Cherokee> (accessed Mar. 10, 2009), Ex. 15.

7. By law, membership in Opposer is limited to those direct blood descendants of a Dawes Act<sup>2</sup> enrollee. See U.S. Dept. of the Interior, Indian Ancestry - Cherokee Indian Ancestry, <http://www.doi.gov/cheeroke.html> (accessed June 25, 2008), Ex. 17.

8. Opposer has excelled and has experienced an unprecedented expansion in economic growth, equality, and prosperity for its citizens, with significant business, corporate, real estate, and agricultural interests, including numerous highly profitable casino operations offering entertainment

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<sup>2</sup> The Dawes Commission was organized in 1893 to accept applications for tribal enrollment between 1899 and 1907 from American Indians of the Five Civilized Tribes who resided in the Indian Territory which later became the eastern portion of Oklahoma. The Five Civilized Tribes consist of the Cherokee, Choctaw, Creek, Seminole and Chickasaw Indians. See U.S. Dept. of the Interior, Indian Ancestry - Locating the Dawes Roles, <http://www.doi.gov/dawes.html> (accessed June 25, 2008), Ex. 16.

services at a number of locations. See Cherokee Nation, 2008 Report to the Cherokee People at 7, 14-16, Ex. 3.

9. The total budget for the Opposer from October 2005 through September 2006 exceeded \$380 million. See Cherokee Nation, 2006 Report to the Cherokee People, Financial Report, Ex. 18. Among other things, the Opposer has constructed health clinics throughout Oklahoma, contributed to community development programs, built roads and bridges, constructed learning facilities and universities for its citizens, revitalized language immersion programs for its children and youth, and is a powerful and positive economic and political force. See Cherokee Nation, Clinics and Hospitals, <http://www.cherokee.org/Services/Health/HealthClinics/Default.aspx> (accessed June 25, 2008), Ex. 19; Cherokee Nation, Community Services, <http://www.cherokee.org/Services/Default.aspx?Service=CommDevListing> (accessed June 25, 2008), Ex. 20; Cherokee Nation, Roads Program, <http://www.cherokee.org/Services/CommDevListing/157/Default.aspx> (accessed June 25, 2008), Ex. 21; Cherokee Nation, Education, <http://www.cherokee.org/Services/Default.aspx?Service=Education> (accessed June 25, 2008), Ex. 22; Cherokee Nation, Culture, <http://www.cherokee.org/Culture/Default.aspx> (accessed June 25, 2008), Ex. 23; Wikipedia.org, Cherokee, <http://en.wikipedia.org/w/index.php?title=Cherokee&printable=yes> (accessed Mar. 10, 2009), Ex. 6.

10. The United States Patent and Trademark Office (“PTO”) has previously concluded on at least four (4) prior occasions that federally recognized Cherokee Indian tribes are sufficiently famous so as to warrant protection from marks falsely suggesting a connection to the Cherokee Nation. See *In re CHEROKEE PROUD*, Office Action, Serial No. 75/506359 at 1-2 (Feb. 11, 1999), Ex. 24; *In re CHEROKEE STONEWORKS*, Office Action, Serial No. 77/122071 at 3-4 (June 4, 2007), Ex. 25; *In re CHEROKEE CHARCOAL*, Office Action, Serial No. 76/683830 at 1-2 (April 4, 2008), Ex. 26; *In re CHEROKEE MY DOLL*, Office Action, Serial No. 77/556232 at 4-5 (Dec. 10, 2008), Ex. 27.

11. Applicant is an adult entertainer who provides live and audio and visual recorded performances of a graphic, sexual nature. On November 7, 2005, Applicant filed an Application for Registration of the mark **CHEROKEE**. The application was assigned Serial No. 78748323, and was published for opposition in the Official Gazette of March 11, 2008, for

Entertainment services, namely, providing live and audio and visual recorded performances by an adult entertainment personality; entertainment services, namely, providing live and non-downloadable recorded performances featuring adult entertainment via satellite, cable, radio, and global computer network; radio entertainment services, namely, radio programs featuring performances by a film and video personality broadcast via satellite and radio; entertainment services in the nature of live-action, drama programs, action and animated motion picture films for cable television, satellite and global computer networks; provision of live action theatrical performances; providing a web site featuring videos in the field of adult entertainment, related video and audio clips, photographs, other multimedia materials and providing information in the field of adult entertainment

in International Class 41 with a claimed date of first use in August of 2002. See Application, Ex. 5.

12. Applicant advertises, promotes and sells her services via, among other means, the Internet. See CherokeeXXX, <http://cherokeexxx.com> (accessed June 23, 2008), Ex. 28.

13. Applicant's application is unrestricted as to the consumers of or channels of trade for her services. See Application, Ex. 5. As a result, it is presumed that Applicant's services are and/or will be advertised, promoted, and offered through the same and/or similar channels of trade and to the same general class of individuals as Opposer's goods and services are offered under Opposer's **CHEROKEE NATION** and **CHEROKEE** marks.

14. In the specimen submitted with the application, the proposed mark, "CHEROKEE," is prominently displayed four (4) times in an advertisement for live "XXX" rated adult entertainment. See Specimen, Ex. 29.

15. The specimen uses the wording, "NATIVE NATURAL NASTY," implying that the entertainer is Native American and, more specifically, of Cherokee descent. Id. (emphasis added).<sup>3</sup>

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<sup>3</sup> When capitalized, as it is in Applicant's specimen, the word "Native" means, "of, relating to, or being a member of an aboriginal people of North or South America." See Native, Merriam-Webster Online Dictionary (2009),



16. The specimen features a female model with long, dark, straight hair and a dark complexion often used in stereotypical portrayals of a “Cherokee Indian Princess.” Id.; see Blue Corn Comics, Indian Women as Sex Objects, <http://www.bluecorncomics.com/princess.htm> (accessed Mar. 11, 2009), Ex. 32. Indeed, Cherokee is the most popular tribe of choice among non-Indians claiming to have descended from Indian princesses. Id. at 3.

17. The specimen also features seven three-dimensional stars similar to the three-dimensional star used in Opposer’s National Seal since 1871. See Specimen, Ex. 29; The Cherokee Nation, Powersource, <http://www.powersource.com/nation/>, (accessed Mar. 10, 2009), Ex. 33 (describing symbolic meaning of seven-pointed star featured on the Seal of the Cherokee Nation).

18. Applicant’s “official home in cyberspace,” [www.cherokeexxx.com](http://www.cherokeexxx.com), states that “People call me the Pocahontas of Porn.” See CherokeeXXX - PornStar, <http://www.cherokeexxx.com/home.html> (accessed June 23, 2008), Ex. 34 (emphasis added).<sup>4</sup>

19. The website, [www.nurglepornstars.com](http://www.nurglepornstars.com), features links to several pornographic thumbnail picture galleries featuring Applicant. See Nurple’s Pornstars Presents, Cherokee, <http://nurglepornstars.com/stars/Cherokee.html> (accessed June 24, 2008), Ex. 35. One such thumbnail gallery is entitled, “Cherokee Naughty Indian Princess.” Id. (emphasis added).

20. Applicant’s biography and film credits are featured on several websites. See Cherokee Printable Filmography, Cherokee, <http://www.adultfilmdatabase.com/Features/Printable.cfm?Acfa-ID=31070> (accessed June 24, 2008), Ex. 36; Cherokee, Personal Bio, <http://www.iafd.com/person.rme/perfidy=Cherokee02/gender=f> (accessed June 24, 2008), Ex. 37. These biographies describe Applicant’s ethnicity as “Native American.” Id.

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<http://Merriam-webster.com/dictionary/native> (accessed Mar. 10, 2009), Ex. 30; Native, Encarta World English Dictionary (North American Ed. 2009), <http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=18616324> (accessed Mar. 10, 2009), Ex. 31.

<sup>4</sup> Certain of the exhibits submitted with this brief contain graphic depictions of sex acts, male and female genitalia, and vulgar language. For that reason, those exhibits have been redacted as appropriate. Unredacted copies of these exhibits are available upon request.

21. The specimen submitted with the application proclaims that the entertainer is “YOUNG HOT AND BEAUTIFUL” and has a “BODY BUILT FOR SEX.” See Specimen, Ex. 29. The specimen further notes that Applicant has appeared in “OVER 100 XXX MOVIES.” Id.

22. The titles and descriptions of adult films in which Applicant has appeared using the CHEROKEE mark reveals that many of those movies are of a deviant sexual nature featuring oral, anal and multiple-partner sex. See Cherokee Printable Filmography, Cherokee, <http://www.adultfilmdatabase.com/Features/Printable.cfm?AcforID=31070> (accessed June 24, 2008), Ex. 36. Cherokee, Personal Bio, <http://www.iafd.com/person.rme/perfidy=Cherokee02/gender=f> (accessed June 24, 2008), Ex. 37

23. Advertisements and promotional materials using the proposed mark feature models in a variety of provocative poses and making vulgar displays of female breasts and genitalia. See, e.g., Cherokee XXX - Porn Star, <http://www.cherokeexxx.com/home.html> (accessed June 23, 2008), Ex. 34.

24. Opposer’s members have long believed that the use of the CHEROKEE name to sell products which are not affiliated with the Cherokee people is a form of exploitation. See Christina Berry, The Word Cherokee Sells--Are You Buying?, [http://www.allthingscherokee.com/articles\\_culture\\_events\\_080101.html](http://www.allthingscherokee.com/articles_culture_events_080101.html) (accessed Mar. 10, 2009), Ex. 38; Christina Berry, About Us, <http://www.allthingscherokee.com/aboutus.html> (accessed Mar. 12, 2009), Ex. 39.

25. In a survey conducted by the magazine, Indian Country Today, 81% of the respondents reported that the use of American Indian names, symbols and images is predominantly offensive and deeply disparaging to Native Americans. See Indian Country Today, American Indian Opinion Leaders: American Indian Mascots, <http://www.printthis.clickability.com/pt/cpt?action=cpt&title=AMERICAN+INDIAN+OP>. (accessed Mar. 10, 2009), Ex. 40.

26. The negative use of Opposer’s **CHEROKEE** name, as when that name is used to sell pornographic services and to perpetuate stereotypes about Opposer’s members, has long been condemned

as “offensive and disgusting” by Opposer. In 2001, the Inter-Tribal Council of Five Civilized Tribes<sup>5</sup> issued a resolution calling the negative use of American Indian tribal names and images, “an offensive and disgusting practice” and calling for the elimination of “the stereotypical use of American Indian names and images as mascots in sports and other events.” See Resolution No. 2001-08, the Inter-Tribal Council of the Five Civilized Tribes, Ex. 42. The resolution was signed on behalf of Opposer by Chadwick Smith, Principal Chief of the Cherokee Nation.<sup>6</sup> Id. The Principal Chief of the Cherokee Nation is the chief executive of the Cherokee Nation. He is responsible for the execution of the laws of the Cherokee nation, establishment of tribal policy, and delegation of authority as necessary for the day-to-day operations of all programs and enterprises administered by the Cherokee Nation tribal government. See Cherokee Nation, Executive Branch, <http://Cherokee.org/Government/Executive/Default.aspx> (accessed Mar. 10, 2009), Ex. 43.

27. A substantial composite of Opposer’s members believe that the use of Applicant’s proposed mark in connection with Applicant’s entertainment services is disparaging, offensive, dehumanizing, embarrassing and subjects them to ridicule and disrepute. See Declaration of Matthew Sunday, Ex. 44; Declaration of Will D. Frayser, Ex. 45; Declaration of Hailey G. Tyner, Ex. 46; We Are Cherokee, <http://meetthecherokee.cherokee.org/WeAreCherokee/tabid/1719/Default.aspx> (accessed Mar. 12, 2009), Ex. 47.

28. Applicant is not affiliated with the Opposer nor is Opposer associated or affiliated with Applicant’s services. See Request for Reconsideration After Final Action at 1, Ex. 48 (characterizing PTO’s conclusion that Applicant’s specimen implies she is Native American as “baseless” “unsupported” and “conclusory”).

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<sup>5</sup> The Five Civilized Tribes consist of the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations. See The Inter-Tribal Council of the Five Civilized Tribes, <http://www.fivecivilizedtribes.org/Home/tabid/248/Default.aspx> (accessed Mar. 12, 2009), Ex. 41.

## **ARGUMENTS AND AUTHORITIES**

### **I. THE STANDARD FOR SUMMARY JUDGMENT**

Rule 56 of the Federal Rules of Civil Procedure provides that summary judgment shall be granted where, after drawing all reasonable inferences in favor of the non-moving party, there remains no genuine issue of material fact. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). The Supreme Court emphasized “[s]ummary judgment procedure is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the Federal Rules as a whole, which are designed ‘to secure the just, speedy and inexpensive determination of every action.’” Id. at 327 (quoting Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)). See also Pure Gold, Inc. v. Syntex (U.S.A.), Inc., 739 F.2d 624, 222 U.S.P.Q. 741 (Fed. Cir. 1984); Levi Strauss & Co. v. Genesco, Inc., 742 F.2d 1401, 222 U.S.P.Q. 939 (Fed. Cir. 1984).

A non-moving party cannot rest on its pleadings or merely show that there is “some metaphysical doubt as to the material facts;” “rather, the non-moving party must come forward with specific facts showing that there is a genuine issue for trial.” Matsushita, 475 U.S. at 586-87; see Celotex, 477 U.S. at 322. If the evidence purporting to raise a genuine issue of material fact is “merely colorable” or “not significantly probative,” summary judgment is appropriate. Id. at 324.

Opposer seeks to preclude registration of Applicant’s proposed mark on the grounds that registration is likely to cause confusion, mistake and deception, that registration will falsely suggest a connection with Opposer, and that Applicant’s use of the word “CHEROKEE” for adult entertainment services may be disparaging to Opposer and/or its members. “Whether a likelihood of confusion exists is ‘a question of law based on underlying facts.’” In re Dixie Restaurants, Inc., 105 F.3d 1405, 1406, 41 U.S.P.Q.2d 1531, 1533 (Fed. Cir. 1997) (quoting Lloyd’s Food Products, Inc. v. Eli’s, Inc., 987 F.2d 766, 767, 25 U.S.P.Q.2d 2027, 2028 (Fed. Cir. 1993)).<sup>7</sup> Similarly, the question of whether a proposed mark is

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<sup>7</sup> See also Olde Tyme Foods, Inc. v. Roundy’s, Inc., 961 F.2d 200, 202, 22 U.S.P.Q.2d 1542, 1544 (Fed. Cir. 1992); Giant Food, Inc. v. Nation’s Foodservice, 710 F.2d 1565, 1569, 218 U.S.P.Q. 390, 394 (Fed. Cir. 1983); Interstate Brands Corp. v. Celestial Seasonings, Inc., 576 F.2d 926, 929, 198 U.S.P.Q. 151, 153 (C.C.P.A. 1978) (“[T]hat confusion is unlikely to occur’ is a legal conclusion...”).

disparaging is a question of law. See In re Mavety Media Group, Ltd., 33 F.3d 1367, 1371, 31 U.S.P.Q.2d 1923, 1927 (Fed. Cir. 1994); Greyhound Corp. v. Both Worlds, Inc., 6 U.S.P.Q.2d 1635, 1640 (T.T.A.B. 1988) (“[W]e find as a matter of law that applicant’s design disparages opposer and is precluded from registration by Section 2(a) of the Act.”).

In Pure Gold, the Board’s grant of summary judgment in an opposition proceeding was affirmed. There, citing Exxon Corp. v. National Foodline Corp., 579 F.2d 1244, 1246, 198 U.S.P.Q. 407, 408 (C.C.P.A. 1978), the Federal Circuit explained that the basic purpose of summary judgment is that of judicial economy. It is against the public interest to conduct useless trials, and where the time and expense of a full trial can be avoided by the summary judgment procedure, such action is favored. Pure Gold, 222 U.S.P.Q. at 744. Where, as in the instant proceeding, the undisputed facts establish that the moving party is entitled to judgment as a matter of law, summary judgment is appropriate.

## **II. APPLICANT’S PROPOSED MARK IS LIKELY TO CAUSE CONFUSION WITH OPPOSER’S MARKS**

Opposers challenge Applicant’s registration under Section 2(d) of the Trademark Act. Thus, the Board’s determination is based on an analysis of all the probative facts in evidence that are relevant to the factors bearing on the issue of likelihood of confusion. See Application of E. I. DuPont DeNemours & Co., 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973). The relevant factors identified in DuPont are as follows:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression;
2. The similarity or dissimilarity and nature of the goods and services as described in the application or in connection with which a prior mark is in use;
3. The similarity or dissimilarity of established, likely-to-continue trade channels;
4. The conditions under which the buyers to whom sales are made, i.e., “impulse” vs. careful, sophisticated purchasing;
5. The fame of the prior mark (sales, advertising, length of use);
6. The number and nature of similar marks in use on similar goods;

7. The nature and extent of any actual confusion;
8. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion;
9. The variety of goods on which a mark is or is not used (house mark, “family” mark, product mark);
10. The market interface between applicant and the owner of a prior Mark;
11. The extent to which applicant has a right to exclude others from use of its mark on its goods;
12. The extent of potential confusion, *i.e.*, *de minimus* or substantial; and
13. Any other fact probative of the effect of use.

Id. at 1361.

No single factor is always determinative, and from time to time each may play a dominant role. Id. at 1362. Moreover, the Board need not consider each factor to evaluate the likelihood of confusion. See Bose Corp. v. QSC Audio Prods., Inc., 293 F.3d 1367, 1370, 63 U.S.P.Q.2d 1303, 1305 (Fed. Cir. 2002) (“Our precedent establishes that the determination of a likelihood of confusion does not require examination and findings as to each and every DuPont factor.”) (acknowledging reliance on only four factors to reverse Board’s decision). If the Board has any doubt regarding a likelihood of confusion, that doubt should be resolved in favor of the Opposer and prior use of the mark. In re Hyper Shoppes, Inc., 837 F.2d 463, 464-65, 6 U.S.P.Q.2d 1025 (Fed. Cir. 1988); see also MSI DataCorp. v. Microprocessor Systems Inc., 220 U.S.P.Q. 655, 658 (T.T.A.B. 1983).

In this proceeding, the similarity of the marks, the similarity of likely-to-continue trade channels, the conditions under which the parties’ respective marks are marketed, and the fame of Opposer’s marks establish conclusively that Applicant’s mark is likely to be confused with Opposers and/or Opposer’s marks and thus, should be refused registration.

**A. The Marks are Similar in Appearance, Sound, Connotation and Commercial Impression.**

“The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison, but whether the marks are sufficiently similar that there is a likelihood of confusion as to the source of the goods or services.” T.M.E.P. § 1207.01(b). In evaluating the similarities between marks, the emphasis must be on the recollection of the average purchaser who normally retains a general, rather than specific, impression of trademarks. Sealed Air Corp. v. Scott Paper Co., 190 U.S.P.Q. 106, 108 (T.T.A.B. 1975).

The dominant portion of each of the parties’ marks is the term “CHEROKEE.” See Undisputed Material Fact Nos. 2-5, 11 (“UMF”). It is undisputed that Applicant’s mark closely resembles Opposer’s marks. Id. Thus, in terms of appearance and sound, the marks are similar. See In re Chatam Intern’l, Inc., 380 F.3d 1340, 1343, 71 U.S.P.Q.2d 1944,1947 (Fed. Cir. 2004) (affirming Board’s conclusion that JOSE GASPAR GOLD and GASPAR’S ALE were “strikingly similar”). “When the dominant portion of the two marks are the same, confusion is likely.” Country Floors, Inc. v. Partnership of Gepner and Ford, 930 F.2d 1056, 1065, 18 U.S.P.Q.2d 1577 (3<sup>rd</sup> Cir. 1991); see also Lone Star Steakhouse & Saloon, Inc. v. Alpha of Va. Inc., 43 F.3d 922, 936, 33 U.S.P.Q.2d 1481, 1492 (4<sup>th</sup> Cir. 1995) (finding a strong likelihood of confusion between “Lone Star” and “Lone Star Grill” for restaurant services because the dominant marks were identical); In re Dixie Restaurants, Inc., 105 F.3d 1405, 1406-07, 41 U.S.P.Q.2d 1531, 1533-34 (Fed. Cir. 1997) (finding likelihood of confusion between “The Delta Café” and “Delta” for restaurant services, based on the common dominant portion of the marks); Century 21 Real Estate Corp. v. Sandlin, 846 F.2d 1175, 1179, 6 U.S.P.Q.2d 2034, 2036 (9<sup>th</sup> Cir. 1988) (finding a likelihood of confusion between “Century Investments & Realty” and “Century 21” based on the common dominant feature of the marks).<sup>8</sup>

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<sup>8</sup> Applicant may contend that the use by Opposer of the additional word, NATION, serves to distinguish her mark from those of Opposer. However, where the dominant portion of each mark is the same, confusion may be likely notwithstanding peripheral differences. See T.M.E.P. § 1207(b)(iii) (citing cases).

The conclusion that the marks are confusingly similar is even more apparent considering the connotation and commercial impression of the marks. Opposer's marks have long been recognized as referring to Opposer, a Native American Indian tribe, and its citizens. See UMF Nos. 1-3. Opposer's marks are used in connection with a wide variety of goods and services sold and provided by the Cherokee Nation. Id. at Nos. 1-5. Applicant uses her identical proposed mark in conjunction with entertainment services in a manner that suggests or implies that Applicant's services are also of Cherokee origin. Id. at Nos. 11-20. The impression Applicant seeks to convey through the use of the mark, and particularly, the dominant term, "Cherokee," is that her goods emanate from, or are affiliated with, the Opposer or its members. Id. There is thus no dispute that the marks are confusingly similar.

**B. The Marks are Used in Connection with Similar Services**

In inter partes proceedings, registerability must be determined "on the basis of the identification of goods set forth in the application regardless of what the record may reveal as to the particular nature of an applicant's goods..." Bose, 293 F.3d at 1377, 63 U.S.P.Q.2d at 1310-11. Furthermore, because "[p]roceedings before the Board are concerned with registerability and not use of a mark the identification of goods/services statement in the registration, not the goods/services actually used by the registrant, frames the issue." Cunningham v. Laser Golf Corp., 222 F.3d 943, 948, 55 U.S.P.Q.2d 1842, 1846 (Fed. Cir. 2000).

It is apparent from the face of Applicant's identification statement that the services offered by Applicant using her proposed mark are confusingly similar to Opposer's services. Applicant seeks use the mark **CHEROKEE** in connection with entertainment services. See UMF No. 11. However, Opposer, through its wholly-owned business enterprises, owns and operates numerous casinos and golf courses which similarly provide entertainment services. Id. at Nos. 4-5. Thus, consumers may believe services offered or sold by Applicant also originated or are affiliated with Opposer and/or its members. Consequently, the second DuPont factor strongly favors a finding of a likelihood of confusion.



**C. The Trade Channels for the Parties' Services are Identical or Overlap.**

The third DuPont factor concerns the “similarity or dissimilarity of established, likely-to-continue trade channels.” DuPont, 476 F.2d at 1361,177 U.S.P.Q. at 567. Applicant purports to offer her entertainment services “via satellite, cable, radio, and global computer network.” See UMF No. 11. In fact, Applicant’s services are advertised, promoted and sold at her website, [www.cherokeexxx.com](http://www.cherokeexxx.com). Id. at No. 12. Similarly, Opposer’s services are advertised and promoted via the Internet. Id. at Nos. 4-5, 9.

Moreover, Applicant’s application is not restricted to particular consumers or channels of trade. Id. at No. 11. Thus, it is presumed that Applicant’s services are and/or will be advertised, promoted and offered through the same and/or similar channels of trade and to the same general class of individuals as Opposer’s goods and services are offered under its **CHEROKEE NATION** and **CHEROKEE** marks. The likely to continue channels of trade are identical, and the third DuPont factor is here met.

**D. The “Consumers” or “Purchasers” of the Parties’ Respective Goods and Services are Likely to be Confused as to the Source and Sponsorship of Applicant’s Goods, Services and Activities.**

Applicant’s use of the term “CHEROKEE” is likely to, and designed to, create confusion among potential consumers as to the source and sponsorship of Applicant’s services. See UMF Nos. 6, 11-20. Clearly, by offering her services using Opposer’s name, consumers may believe that Applicant is a member of Opposer or that Opposer or its members approve of or sponsor Applicant’s services. Id. Thus, Applicant may thereby improperly benefit from the fame, goodwill and reputation of Opposer’s marks. See, e.g., San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522, 539, 3 U.S.P.Q.2d 1145 (1987) (where San Francisco Arts & Athletics promoted the “Gay Olympic Games,” selling t-shirts, buttons, bumper stickers and other merchandise under that name, the Supreme Court found that the “possibility for confusion as to sponsorship [by the United States Olympic Committee] is obvious” and enjoined the use).

Applicant offers adult entertainment services using the word “CHEROKEE.” See UMF No. 11. As in San Francisco, Consumers are likely to infer sponsorship of Applicant’s services by Opposer based on the similarity of Applicant’s proposed mark to Opposer’s marks. Id. at Nos. 1-5, 11. The possibility

of confusion as to the source of Applicant's services, and as to the sponsorship of Applicant's activities by Opposer is obvious. For this additional reason, Applicant's application should be summarily rejected.

**E. Opposer's Marks are Famous.**

Opposer has continuously used, advertised, promoted, and offered its governmental, social, financial, educational, commercial and other services under the **CHEROKEE NATION** and **CHEROKEE** marks for over 200 years with the result that individuals have come to know and recognize Opposer's marks and to associate the marks with Opposer and/or Opposer's services. See UMF Nos. 1-10. The fame of Opposer's mark cannot seriously be contested. See In re CHEROKEE CHARCOAL, Office Action, Serial No. 76/683,830 at 1-2 (April 4, 2008), Ex. 26; see also B.V.D. Licensing Corp. v. Body Action Design, Inc., 846 F.2d 727, 728, 6 U.S.P.Q.2d 1719 (Fed. Cir. 1988) (taking judicial notice of fame of B.V.D. mark for mens' underwear). In CHEROKEE CHARCOAL, the examining attorney for the United States Patent and Trade Office refused applicant's request for registration of a mark for CHEROKEE CHARCOAL in conjunction with the sale of charcoal products, holding that "[a]lthough not connected with the goods or services applicant provides under the proposed mark, the Cherokee Nation is so famous that consumers would presume a connection." CHEROKEE CHARCOAL, Office Action, Serial No. 76/683830, at 2, Ex. 26; see also In re CHEROKEE MY DOLL, Office Action, Serial No. 77/556232, at 4-5, Ex. 27.

The fame of Opposer's mark is "a dominant factor in the likelihood of confusion analysis for a famous mark, independent of the consideration of the relatedness of the goods." Recot, Inc. v. Becton, 214 F.3d 1322, 1328, 54 U.S.P.Q.2d 1894, 1898 (Fed. Cir. 2000). The fame of Opposer's mark entitles it to broad protection. See Specialty Brands, Inc. v. Coffee Bean Distribs., Inc., 748 F.2d 669, 675, 223 U.S.P.Q. 1281 (Fed. Cir. 1984) ("The fame of a trademark may affect the likelihood purchasers will be confused inasmuch as less care may be taken in purchasing a product under a famous name.").

Because Opposer's marks, **CHEROKEE NATION** and **CHEROKEE**, are indisputably famous and because an analysis of those other relevant DuPont factors demonstrates conclusively that Applicant's

mark is likely to be confused with Opposer's marks, the Opposition should be sustained under Trademark Act Section 2(d) and Applicant refused registration of the mark, **CHEROKEE**.

### **III. APPLICANT'S PROPOSED MARK FALSELY SUGGESTS ASSOCIATION WITH OPPOSER**

Applicant's proposed mark should be refused registration on the additional ground that it consists of, or comprises matter, which may falsely suggest a connection with the Opposer. Applicant is not a member of, or affiliated with, the Cherokee Nation. See UMF No. 28. Although, Opposer is not connected with, or affiliated with, Opposer in any way, Opposer's **CHEROKEE NATION** and **CHEROKEE** marks are so famous that consumers would presume a connection. Id. Nos. 1-10; see 15 U.S.C. § 1052(a); T.M.E.P. §§ 1203.03, 1203.03(e) and 1203.03(f); CHEROKEE CHARCOAL, Office Action, Serial No. 76/683830, at 2, Ex. 26; In re CHEROKEE MY DOLL, Office Action, Serial No. 77/556232, at 4-5, Ex. 27; see generally University of Notre Dame Du Lac v. J.C. Gourmet Food Imports Co., 703 F.2d 1372, 217 U.S.P.Q. 505 (Fed. Cir. 1983); In re Nuclear Research Corp., 16 U.S.P.Q. 2d 1316 (T.T.A.B. 1990); University of Alabama v. BAMA -Werke Curt Baumann, 231 U.S.P.Q. 408 (T.T.A.B. 1986); In re Cotter & Co., 228 U.S.P.Q. 202 (T.T.A.B. 1985); Buffett v. Chi-Chi's, Inc., 226 U.S.P.Q. 428 (T.T.A.B. 1985).

In order to demonstrate a false connection under Section 2(a):

1. The mark sought to be registered is the same as or a close approximation of the name or identity of a person or institution;
2. The mark would be recognized as such;
3. The person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
4. The fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods services.

In re Nuclear Research Corp., 16 U.S.P.Q.2d 1316 (T.T.A.B. 1990); In re Cotter, 228 U.S.P.Q. at 204; Buffett, 226 U.S.P.Q. at 429.

Opposer has satisfied each of the elements of its claim of false association to preclude registration of Applicant's proposed mark. Applicant's proposed mark, **CHEROKEE**, clearly features the name of Opposer as the dominant feature of the mark. The word, "CHEROKEE," is commonly recognized to refer to Opposer. See UMF Nos. 1-10; see also CHEROKEE CHARCOAL, Office Action, Serial No. 76/683,830, at 2, Ex. 26 ("Cherokee identifies a Native American people currently residing in Oklahoma and North Carolina and the mark would be recognized as such."). Further, Opposer is not connected or affiliated with the goods sold by or services provided by Applicant in any way. See UMF No. 28. Finally, the fame or reputation of Opposer is of such a nature that a connection between Opposer and Applicant would be presumed when Applicant's proposed mark is used for her services. See CHEROKEE CHARCOAL, Office Action, Serial No. 76/683,830, at 2, Ex. 26; CHEROKEE MY DOLL, Office Action, Serial No. 77/556232, at 4-5, Ex. 27. Thus, it may be inferred that purchasers of the goods would be misled into making a false connection of sponsorship, approval, support or the like with the named party. Id.; CHEROKEE CHARCOAL, Office Action, Serial No. 76/683830, at 2, Ex. 26; In re Cotter 228 U.S.P.Q. at 204; In re National Intelligence Academy, 190 U.S.P.Q. 570 (T.T.A.B. 1976); In re CHEROKEE PROUD, Office Action, Serial No. 75/506359 at 1-2 (February 11, 1999), Ex. 24; In re CHEROKEE STONEWORKS, Office Action, Serial No. 77/122071 at 3-4 (June 4, 2007), Ex. 25.

In In re White, 73 U.S.P.Q.2d 1713 (T.T.A.B. 2004), the Board refused registration of APACHE for cigarettes under Section 2(a), finding that the mark falsely suggests a connection between the applicant and federally recognized Apache Indian tribes. As in White, Applicant seeks to register the mark, **CHEROKEE**, to provide entertainment services using Opposer's name. As such, Applicant's proposed mark falsely suggests a connection between the citizens of Opposer, a federally recognized Indian tribe, and Applicant's services and activities. For this additional reason, Applicant's attempt to register the mark, **CHEROKEE**, should be refused.

#### **IV. APPLICANT’S PROPOSED MARK IS OFFENSIVE AND DISPARAGING TO OPPOSER AND SHOULD BE REFUSED REGISTRATION**

Section 2(a) of the Lanham Act provides that a trademark shall not be registered if it “[c]onsists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols or bring them into contempt or disrepute . . . .” 15 U.S.C. § 1052(a). The question of disparagement must be considered in relation to the goods or services identified by the mark in the context of the marketplace. Doughboy Indus., Inc. v. The Reese Chem. Co., 88 U.S.P.Q. 227 (Pat. Off. 1951).<sup>9</sup>

Drawing on the Patent Office’s ruling in Doughboy, the Board has developed a two-part test for determining whether a proposed mark is disparaging under Section 2(a). Harjo v. Pro-Football, Inc., 50 U.S.P.Q.2d 1705, 1738-39 (T.T.A.B. 1999), aff’d in part and rev’d in part on other grounds, 284 F. Supp. 2d 96, 124, 68 U.S.P.Q. 2d 1225 (D.D.C. 2003), remanded on other grounds, 415 F.3d 44, 75 U.S.P.Q.2d 1525 (D.C. Cir. 2005). First, the Board must determine the likely meaning of the allegedly disparaging mark. Id. at 1740-41. In this regard, the Board must not only refer to dictionary definitions, but also, consider the relationship between the subject matter in question and other elements that make up the mark in its entirety; the nature of the goods and/or services; and the manner in which the mark is used in the marketplace in connection with the goods and/or services. Id. Second, if the likely meaning is found to refer to identifiable persons, institutions, beliefs or national symbols, the Board must determine whether that meaning may be disparaging to a substantial composition of the referenced group. Id. An analysis of these factors reveals that Applicant’s use of the word “CHEROKEE” for use in connection with sexually-oriented adult entertainment services is disparaging to Opposer and a substantial composite of its citizens.

##### **A. The Meaning of the Matter in Question**

There can be no doubt that “CHEROKEE” has long been recognized to refer to Opposer and its members. Indeed, the definition of the word “CHEROKEE” is as follows:

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<sup>9</sup> In Doughboy, the Patent Office denied registration of the mark DOUGH-BOY for an anti-venereal preparation. Id. at 227. The Patent Office observed that the mark DOUGH-BOY, a name for United States soldiers in World War I, was disparaging in connection with an anti-venereal prophylactic preparation; particularly given its packaging featuring depictions of American soldiers. Id. at 228.

1a. A Native American people formerly inhabiting the southern Appalachian Mountains from the western Carolinas and eastern Tennessee to northern Georgia, with present-day populations in northeast Oklahoma and western North Carolina. The Cherokee were removed to Indian Territory in the 1830s after conflict with American settlers over rights to traditional lands.

1b. A member of this people.

2. The Iroquoian language of the Cherokee.

See UMF No. 6.

When considered in relation to the other matter comprising Applicant's proposed mark, and as used in the marketplace in connection with Applicant's services, "CHEROKEE" clearly carries the allusion to Opposer and/or its members inherent in the original definition of the word, "CHEROKEE." See UMF Nos. 6-9, 11-20. Consequently, Opposer has satisfied the first prong of the Board's two-part disparagement test.

**B. The Likely Meaning of Applicant's Mark May Disparage Opposer**

The second prong of the disparagement test is a determination of whether the likely meaning of the mark in fact disparages the persons, symbol, institution or belief at issue. See Harjo, 50 U.S.P.Q.2d at 1740-41. This test looks to the views of a substantial composite of the group allegedly disparaged. Id.; In re Hines, 31 U.S.P.Q.2d 1685, 1688 (T.T.A.B. 1994), vacated on other grounds, 32 U.S.P.Q. 2d 1376 (T.T.A.B. 1994).

In Doughboy, the applicant sought to register the mark, "DOUGH-BOY," for use in connection with "a prophylactic preparation for the prevention of venereal diseases." Doughboy, 88 U.S.P.Q. at 227. The opposer sought to preclude registration on likelihood of confusion grounds. Id. The examining attorney concluded that there was no likelihood of confusion. Id.

On appeal by the opposer, the Patent Office affirmed the examining attorney's finding of no likelihood of confusion. Id. However, the Patent Office held, sua sponte, that registration should nonetheless be refused under Section 2(a) of the Trademark Act of 1946, 15 U.S.C. § 1052(a). Id. The Patent Office observed that "Doughboy" is a name given to American WWI soldiers and that the

applicant's use of the mark is intended to have that meaning as evidenced by specimens submitted with the application depicting American soldiers. Id. at 228. The Patent Office concluded:

When used by applicant on its particular goods, the mark obviously 'consists of or comprises...matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute, and the mark is hence unregistrable.

Id.

In Greyhound, the opposer sought to prevent registration of a design mark featuring a dog defecating for polo shirts and T-shirts. Greyhound, 6 U.S.P.Q.2d at 1635. The opposer argued, among other things, that applicant's use and registration of the mark would be likely to cause confusion and may "disparage or falsely suggest a connection with opposer or bring opposer into disrepute..." Id. at 1637. Both parties moved for summary judgment. Id. Opposer sought summary judgment on its likelihood of confusion, disparagement, and scandalous claims.

The Board first found that as used on its goods, "a substantial composite of the general public would find the use on a shirt of a graphic portrayal of a dog in the act of defecating, including the depiction of the feces, to be scandalous." Id. at 1639. The Board thus held that the mark was unregistrable under Section 2(a). Id.

The Board further found that applicant's design would be recognized by the public as referring to opposer based upon the strong resemblance between the design and opposer's corporate symbol. Id. at 1639-40. The Board observed that, "[a]s it relates to opposers,..., the offensiveness of the design becomes even more objectionable because it makes a statement about opposer itself, and holds opposer up to ridicule and contempt." Id. at 1640.

Accordingly, we find as a matter of law that applicant's design disparages opposer and is precluded from registration by Section 2(a) of the Act.

Id.

Lastly, the Board found that, considering the fame of opposer's mark and the similarities between the marks, "applicant's mark as applied to polo shirts and T-shirts is likely to cause confusion with opposer's mark as used on T-shirts and other clothing items." Id. at 1641. Therefore, the Board

concluded that opposer was entitled to judgment as a matter of law on the likelihood of confusion ground for opposition. Id.

There can be no doubt that the use of the term, “CHEROKEE,” in conjunction with Applicant’s adult entertainment services is disparaging to Opposer and its members. Applicant’s proposed mark directly associates Opposer and/or its citizens with explicit, sexually-oriented adult entertainment services. Cf. Doughboy, 88 U.S.P.Q. at 228 (observing that the mark DOUGH-BOY, a name for United States soldiers in World War I, was disparaging in connection with an anti-venereal prophylactic preparation; particularly given its packaging featuring depictions of American soldiers); Greyhound, 6 U.S.P.Q.2d at 1639-40. This is particularly true where, as here, Applicant’s proposed mark uses Opposer’s name and identity and thereby makes a statement about Opposer itself, holding Opposer up to ridicule and contempt. Id. at 1640.

In the present case, Opposer’s name is used to fetishize Opposer, dehumanize its members, and subject its members to the demented fantasies of those who lust for the stereotypical Indian Princess Applicant seeks to portray and profit from. See UMF Nos. 11-20. Applicant’s proposed mark directly associates Opposer and its members with deviant sexual activity. Id. at Nos. 21-23. Applicant’s proposed mark perpetuates stereotypes of a historically disadvantaged people which Opposer has long fought to dispel. See UMF No. 16.

Simply put, Applicant’s use of the proposed mark is contrary to the culture and beliefs of Opposer and exposes Opposer and its members to contempt, embarrassment and ridicule. See UMF Nos. 24-27. Thus, Opposer and a substantial composite of its members would find the proposed mark disparaging. Id.

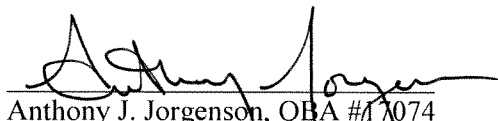
Because it is undisputed that the proposed mark, “CHEROKEE,” as used in connection with Applicant’s pornographic adult entertainment services, is disparaging to Opposer, and a substantial composite of Opposer’s members, Applicant should be denied registration pursuant to Section 2(a) of the Lanham Act.



### **CONCLUSION**

Based upon the foregoing, Applicant's attempt to register the mark, **CHEROKEE**, should be refused on the ground that registration is likely to cause confusion as to the source or sponsorship of Applicant's services and membership and on the ground that the proposed mark falsely suggests a connection or association with Opposers. Applicant's attempted registration should further be refused on the ground that the proposed mark is disparaging to Opposer and/or its citizens. Therefore, Opposer respectfully requests that the Board grant summary judgment in its favor, and against Applicant, sustaining Opposition No. 91185103, and refusing registration of Applicant's proposed mark, Serial No. 78/748323.

Respectfully submitted,

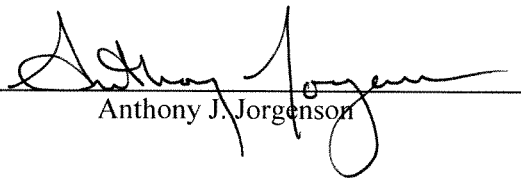


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**ATTORNEYS FOR OPPOSER,  
CHEROKEE NATION.**

**CERTIFICATE OF FILING**

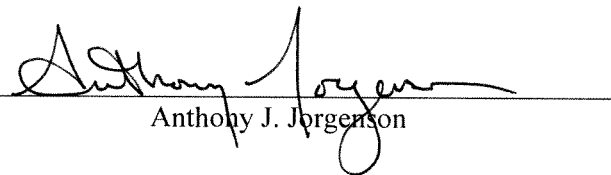
I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing OPPOSER'S BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT is being filed with the Electronic System for Trademark Trial and Appeals ("ETTSA") of the U.S. Patent and Trademark Office on this 16th day of March, 2009.

  
Anthony J. Jorgenson

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on this 16th day of March, 2009, a true and correct copy of the above and foregoing OPPOSER'S BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT was served by first class mail, proper postage prepaid, upon Applicant at the following address:

Anna M. Vradenburgh  
Piccionelli & Sarno  
2801 Townsgate Road, Suite 200  
Westlake Village, CA 91361

  
Anthony J. Jorgenson

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# Exhibit 1

ESTTA Tracking number: **ESTTA223173**

Filing date: **07/09/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

# **Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

## **Opposer Information**

Name	Cherokee Nation, a federally recognized Indian Tribe
Granted to Date of previous extension	07/09/2008
Address	17675 S. Muskogee Tahlequah, OK 74464 UNITED STATES
Attorney information	Anthony J. Jorgenson Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. 320 South Boston Avenue Suite 200 Tulsa, OK 74103 UNITED STATES ajorgenson@hallestill.com

## **Applicant Information**

Application No	78748323	Publication date	03/11/2008
Opposition Filing Date	07/09/2008	Opposition Period Ends	07/09/2008
Applicant	Adams, Tiffany #160 7657 Winnetka Avenue Winnetka, CA 91306 UNITED STATES		

## **Goods/Services Affected by Opposition**

Class 041. First Use: 2002/08/00 First Use In Commerce: 2002/08/00 All goods and services in the class are opposed, namely: Entertainment services, namely, providing live and audio and visual recorded performances by an adult entertainment personality; entertainment services, namely, providing live and non-downloadable recorded performances featuring adult entertainment via satellite, cable, radio, and global computer network; radio entertainment services, namely, radio programs featuring performances by a film and video personality broadcast via satellite and radio; entertainment services in the nature of live-action, drama programs, action and animated motion picture films for cable television, satellite and global computer networks; provision of live action theatrical performances; providing a web site featuring videos in the field of adult entertainment, related video and audio clips, photographs, other multimedia materials and providing information in the field of adult entertainment
--

## **Grounds for Opposition**

Immoral or scandalous matter	Trademark Act section 2(a)
Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CHEROKEE		
Goods/Services	governmental, social, educational, and financial services, as well as numerous goods, and membership in the Cherokee Nation, a federally recognized Indian tribe		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CHEROKEE NATION		
Goods/Services	governmental, social, educational and financial services, as well as numerous goods, and membership in the Cherokee Nation, a federally recognized Indian tribe		

Attachments	DOC013.PDF ( 7 pages )(111813 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Anthony J. Jorgenson/
Name	Anthony J. Jorgenson
Date	07/09/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No.: 78748323

For the mark: **CHEROKEE**

Published in the Official Gazette on: March 11, 2008

**CHEROKEE NATION, a Federally  
Recognized Indian Tribe,**

**Opposer,**  
v. **Opposition No. \_\_\_\_\_**

**TIFFANY ADAMS,**

**Applicant.**

**NOTICE OF OPPOSITION**

Cherokee Nation, a Federally recognized Indian Tribe  
17675 S. Muskogee  
Tahlequah, OK 74464

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a Federally recognized Indian tribe. There are approximately 109,724 citizens who live within Opposer's Tribal Jurisdictional Service Area and approximately 268,761 citizens dispersed throughout the world.

2. Opposer has used the mark **CHEROKEE NATION**, and more generally, the mark **CHEROKEE**, in connection with a wide variety of goods and services for more than two hundred years. Opposer and its citizens have also long used Opposer's marks to indicate membership and/or citizenship in Opposer, a Federally recognized Indian tribe.

3. Since its initial use of its **CHEROKEE NATION** and **CHEROKEE** marks, Opposer has continuously used, advertised, promoted, and offered its goods, services and membership, under the **CHEROKEE NATION** and **CHEROKEE** marks with the result that the marks have become instantly recognizable to the public as exclusively denoting Opposer, Opposer's members and/or citizens, and Opposer's goods and services. In addition, Opposer's marks have come to symbolize the culture, heritage, history, beliefs and values of Opposer and Opposer's members and/or citizens. As a result of Opposer's substantial effort, investment, and sacrifice, the goodwill inherent in Opposer's mark is an enormously valuable asset of Opposer and a priceless source of pride and identity to its citizens and/or members.

4. On information and belief, Applicant is an adult entertainer who provides performances of a graphic, sexual nature. On November 7, 2005, Applicant filed an Application for Registration of the mark **CHEROKEE**. The application was assigned Serial No. 78748323, and was published for opposition in the Official Gazette of March 11, 2008, for

Entertainment services, namely, providing live and audio and visual recorded performances by an adult entertainment personality; entertainment services, namely, providing live and non-downloadable recorded performances featuring adult entertainment via satellite, cable, radio, and global computer network; radio entertainment services, namely, radio programs featuring performances by a film and video personality broadcast via satellite and radio; entertainment services in the nature of live-action, drama programs, action and animated motion picture films for cable television, satellite and global computer networks; provision of live action theatrical performances; providing a web site featuring videos in the field of adult entertainment, related video and audio clips, photographs, other multimedia materials and providing information in the field of adult entertainment

in International Class 41 with a claimed date of first use in August of 2002.

5. Applicant's application is unrestricted as to the consumers of or channels of trade for her services. As a result, it is presumed that Applicant's services are and/or will be

advertised, promoted, and offered through the same and/or similar channels of trade and to the same general class of individuals as Opposer's goods and services are offered under Opposer's **CHEROKEE NATION** and **CHEROKEE** marks.

6. The registration of Applicant's mark, which prominently features the word, "CHEROKEE," for adult entertainment services is inconsistent with Opposer's prior rights in its **CHEROKEE NATION** and **CHEROKEE** marks, and will irreparably damage Opposer's investment and goodwill in its marks.

7. Opposer's **CHEROKEE NATION** and **CHEROKEE** marks are exclusively associated with Opposer and have been used continuously by Opposer since a date prior to any date on which Applicant can rely. Applicant's mark is similar in sound, meaning, appearance, and commercial impression to Opposer's marks, and will not only call to mind, but falsely create an association with Opposer's marks.

8. By virtue of its long-standing use of the **CHEROKEE NATION** and **CHEROKEE** marks, the goodwill associated with those marks, and the similarity of Applicant's mark, the registration of Applicant's mark by Applicant is likely to cause confusion, or cause mistake, or to deceive, the public into mistakenly believing that Applicant's services originate from or are otherwise associated with Opposer or its members an/or citizens, or that Applicant's services offered under the mark, **CHEROKEE** are endorsed, sponsored by, or in some way connected with Opposer and/or its citizens and/or members in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

9. Additionally, Applicant's **CHEROKEE** mark so closely resembles Opposer's **CHEROKEE NATION** and **CHEROKEE** marks that the registration and use of **CHEROKEE**



by Applicant will falsely suggest a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

10. Applicant's use of the **CHEROKEE** mark is further misrepresentative of citizenship (membership) in and/or association with Opposer and is deceptive in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

11. Applicant's **CHEROKEE** mark will be used in such a manner that the registration and use of **CHEROKEE** by Applicant will be offensive, scandalous, disreputable, disgraceful to reputation, and disparaging to Opposer, Opposer's members and/or citizens, and Opposer's **CHEROKEE** and **CHEROKEE NATION** marks, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

12. Applicant's **CHEROKEE** mark, including innuendo, consists of or comprises matter that disparages Native American persons, including Opposer and its citizens and/or members, and brings them into contempt, ridicule, and disrepute, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a). Applicant's use of the **CHEROKEE** mark further consists of or comprises scandalous and immoral matter that would expose Native American persons, including Opposer and its citizens and/or members, to disgrace to reputation, and shock their sense of decency or propriety in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

13. Applicant's use of the **CHEROKEE** mark, including innuendo, consists of or comprises matter that would be considered disgraceful, offensive, disreputable, and shocking to the sense of decency or propriety from the standpoint of a substantial composite of the general public.

14. Opposer's **CHEROKEE NATION** and **CHEROKEE** marks are distinctive, have been used in commerce and widely promoted by Opposer for over two hundred years, are instantly recognized by the public as symbols of Opposer, its members and/or citizens, and its goods and services. As a result, Opposer's marks are famous.

15. Applicant's claimed date of first use of **CHEROKEE**, as well as her application to register that mark, occurred long after Opposer's marks became famous.

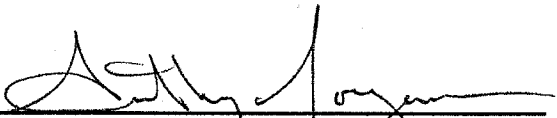
16. Registration of the mark, **CHEROKEE**, by Applicant is likely to dilute, and will dilute, the distinctive quality and attributes of Opposer's marks by lessening the capacity of **CHEROKEE** to identify and distinguish exclusively the goods, services, citizens and/or members of Opposer in violation of Section 2(f) of the Lanham Act, 15 U.S.C. § 1052(f).

17. Registration of the mark, **CHEROKEE**, by Applicant is likely to dilute, and will dilute, the distinctive quality and attributes of Opposer's marks by tarnishing and/or harming the reputation of Opposer's marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

18. For the foregoing reasons, Opposer believes that it will be damaged by the registration by Applicant of the **CHEROKEE** mark, as set forth in Applicant's Application Serial No. 78748323, and that if registration on the opposed application is granted, and the presumptions accorded to such registration are conferred under the Trademark Laws of the United States, as amended, Applicant will receive benefits to which she is not entitled, to the damage and detriment of Opposer, and its **CHEROKEE NATION** and **CHEROKEE** marks.

**WHEREFORE**, Opposer prays that this opposition be sustained and that registration of the mark **CHEROKEE**, based on Applicant's Application Serial No. 78748323, filed November 7, 2005, be refused and denied.

Respectfully submitted this 9th day of July, 2008.

  
Anthony J. Jorgenson, OBA #17074  
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Facsimile (918) 458-5099

**ATTORNEYS FOR OPPOSER,  
CHEROKEE NATION, A FEDERALLY  
RECOGNIZED INDIAN TRIBE.**

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted via ESTTA to the United States Patent and Trademark Office on this 9th day of July, 2008.

\_\_\_\_\_  
s/Anthony J. Jorgenson

### **CERTIFICATE OF SERVICE**

I, the undersigned, pursuant to Trademark Trial and Appeal Board Rules 2.111 and 2.119, do hereby certify that on the 9th day of July, 2008, a true and correct copy of the above and foregoing NOTICE OF OPPOSITION was sent by U.S. Mail, first-class, with proper postage thereon fully paid, to:

Anna M. Vradenburgh  
Piccionelli & Sarno  
2801 Townsgate Road, Suite 200  
Westlake Village, CA 91361

s/Anthony J. Jorgenson

876376.2:231629:02060

# Exhibit 2

## A Brief History of the Cherokee Nation

### A Proud Heritage

It was a spirit of survival and perseverance that carried the Cherokee to Indian Territory on the Trail of Tears. Today, it is the same spirit leading the Cherokee.

Since earliest contact with European explorers in the 1500's, the Cherokee Nation has been identified as one of the most advanced among Native American tribes. Cherokee culture thrived for thousands of years in the southeastern United States before European contact. After contact, Cherokee society and culture continued to develop, progressing with acquisitions from European settlers. Soon, we had shaped a bicultural government and a society that matched the most 'civilized' of the time.

In the 1830's, gold was discovered in Georgia. The settlers began to covet the Cherokee homelands, and a period of Indian Removals began to make way for more white settlement. In 1838, thousands of Cherokee men, women and children were rounded up and marched 1,000 miles to Indian Territory, known today as the state of Oklahoma. Thousands died in the internment camps, on the trail, and after arrival (due to the effects of the journey.)

### Rebuilding

In Indian Territory, the Cherokee soon rebuilt a democratic form of government, churches, schools, newspapers and businesses. A new constitution was adopted in September of 1839, the same year the final group of Cherokee arrived on the Trail of Tears. Tahlequah, the new Cherokee capital, and nearby Park Hill, became hubs of business activity and centers of cultural activity in Indian Territory. In 1844, the Cherokee Advocate, printed in both the Cherokee and English languages, became the first newspaper in Indian Territory, and the first in a Native American language. The Cherokee Messenger was its first periodical. Soon, the Cherokee's educational system of 144 elementary schools and two higher education institutes, the Cherokee Male and Female Seminaries, rivaled all others. Many white settlements bordering the Cherokee Nation took advantage of the superior school system, and paid tuition to have their children attend the Cherokee schools.

Other bilingual materials, which had been made possible by Sequoyah's syllabary in 1821, led the Cherokee people to a level of literacy higher than their white counterparts, all before Oklahoma statehood in 1907.

The Cherokee rebuilt a progressive lifestyle from remnants of the society and the culture we were forced to leave behind. The years between the removal and the 1860's were called the "Cherokee Golden Age," a period of prosperity that ended with division over the Civil War. After the Civil War, more Cherokee lands and rights were taken by the government due to the Cherokee being persuaded to side with the Confederacy at one point during the war. What remained of Cherokee tribal land was divided into individual allotments which were given to Cherokees listed in the census compiled by the Dawes Commission in the late 1890s. Descendants of those original enrollees make up today's Cherokee Nation tribal citizenship.

### What is the Cherokee Nation?

The Cherokee Nation is the second largest Indian tribe in the United States. There are more than 200,000 tribal members. Almost 70,000 of these Cherokees reside in the 7,000 square mile area of the Cherokee Nation which is not a reservation, but a jurisdictional service area that includes all of eight counties and portions of six in northeastern Oklahoma.

Today, the Cherokee Nation is a leader in education, housing, vocational training, business and economic development.

As a federally-recognized Indian tribe, the Cherokee Nation has both the opportunity and the sovereign right to exercise control and development over tribal assets, which includes 66,000 acres of land, as well as 96 miles of the Arkansas Riverbed.

### **Tribal Government**

The Cherokee Nation has a tripartite democratic form of government which include judicial, executive and legislative branches. A revised constitution of the Cherokee Nation was ratified by the Cherokee people in June of 1976, and approved by the Commissioner of Indian Affairs on September 5, 1975.

Executive power is vested in the Principal Chief, the legislative power in the Tribal Council, and judicial power in the Cherokee Nation Judicial Appeals Tribunal.

The position of Deputy Principal Chief is also part of the executive branch. The Deputy Principal Chief also presides over the Tribal Council during their monthly meetings. Like the Principal and Deputy Principal Chief, the council is elected to four-year terms by the registered tribal voters. The council is the legislative branch of government and represent the nine districts of the Cherokee Nation in the 14 county jurisdictional area.

The judicial branch of tribal government includes the District Court and Judicial Appeals Tribunal, which is comparable to the U.S. Supreme Court. The tribunal consists of three members who are appointed by the Principal Chief and confirmed by the council. It is the highest court of the Cherokee Nation and oversees internal legal disputes and the District Court. The District Judge and an Associate District Judge preside over the tribe's District Court and hear all cases brought before it under jurisdiction of the Cherokee Nation Judicial Code.

### **Entering the 21st Century**

The tribe has taken the lead in self-governance through the enactment of a tax code, re-establishment of the tribe's district court, law enforcement and judicial systems. In addition, the nation operates several successful enterprises, including Cherokee Nation Enterprises, and Cherokee Nation Industries, Inc. CNE operates three Cherokee Casino facilities, two convenience store/gas stations, and a Cherokee Gift Shop. CNI is a multi-million dollar supplier to several major defense contractors.

### **Self-Governance Agreement**

The Cherokee Nation authorized the negotiation of a tribal self-governance agreement for direct funding from the U.S. Congress on February 10, 1990. The agreement authorizes the tribe to plan, conduct, consolidate and administer programs and receive direct funding to deliver services to tribal members. Self-governance is a change from the paternalistic controls the federal government has exercised in the past, to full-tribal responsibility for self-government and independence intended by the treaties with sovereign Indian nations.

### **Court System, Legal Code**

Self-governance gained an added dimension in November, 1990, when the Cherokee Nation passed legislation establishing a Cherokee Nation District Court and a criminal penal and procedure code.

A few months later, in February, 1991, the tribe unanimously approved four legislative acts to facilitate cooperative law enforcement within the jurisdictional boundaries of the Cherokee Nation. In compliance with State of Oklahoma Statutes, the laws established a Penal Code, provisions for bail and bonding, a Uniform Vehicle Code and a Uniform Controlled Dangerous Substance Act.

The passage of these acts strengthens tribal sovereignty and allows non-Indian law enforcement authorities to pursue and apprehend criminal suspects and vehicle code violators on Cherokee Nation land.

### **Tax Code**

Also on February 10, 1990, the Cherokee Nation approved a tax code which included a tobacco tax and sales tax on goods or services sold or rendered on tribal land. The purpose of the tax code is to raise revenue to provide governmental services to Cherokee people and promote economic development, self-sufficiency and a strong tribal government.

To govern the tax code, the Cherokee Nation later developed law enforcement codes and judicial procedures guided by the self-governance agreement and the tribe's code of ethics.

### **Fuel Tax Agreement**

On May 30, 1996, the Cherokee Nation and four other Oklahoma tribes reached an agreement with state lawmakers on taxing Indian sales of motor fuel. The tribes agreed not to sue the state or to license individual tribal members to sell motor fuel. In return, they will be rebated part of the money resulting from fuel sales on their lands each quarter of the year for 20 years. They also agreed to spend the money rebated to them for law enforcement, education, roads and health care.

The Cherokee Nation received its first check from the fuel tax agreement for \$1.1 million from the state on February 4, 1997. The amount of money received by Cherokee Nation was based on a formula negotiated with the state which uses the number of Cherokee tribal members in Oklahoma and the gallons of fuel sold by the tribe's two convenience stores (Tahlequah and Fort Gibson) between October 1 and December 31, 1996.

Info provided by the Cherokee Nation Cultural Resource Center. For information regarding culture and language, please contact:

[cultural@cherokee.org](mailto:cultural@cherokee.org)



# Exhibit 3

GWYB DBF  
CHEROKEE NATION®

# THE OXFORD VJ

## Planting the Seed Corn for Our Children's Future



WF TƏSBF JAW ƆSTBUJR EHR TJEL, DH GWY DHBƏT  
2008 REPORT TO THE CHEROKEE PEOPLE

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## Cherokee Nation Directory

(918) 453-5000 • (800) 256-0671 • FAX (918) 458-6219

Accounting • 453-5402  
Administration • 453-5618  
Adult Education • 458-0484  
Ambulance Services • 453-5200  
Behavioral Health • 458-6285  
Breast & Cervical Cancer Early  
Detection Program • 458-4491  
Burial Assistance • 453-5422  
Business Loan Program • 453-5536  
Cherokee Phoenix Newspaper • 453-5269  
Children's Services • 453-5380  
Community Services • 453-5233  
Health Services • 453-5657  
Credit & Finance • 453-5536  
Crisis Assistance • 453-5422  
Education Dept. • 207-3865  
Elderly Assistance • 453-5241  
Emergency Loan Program • 453-5535

Energy Assistance • 453-5572  
Environmental Programs • 453-5009  
Food Distribution • 207-3920  
General Assistance • 453-5422  
Head Start • 458-4393  
Higher Education • 453-5465  
Home Health Agency • 458-6102  
Housing Services • 456-8374  
Human Services • 453-5422  
Indian Child Welfare • 458-6900  
Information Center, Cherokee First • 207-3936  
Job Openings, Human Resources • Ext. 5050  
Marshal Service • 456-9224  
Media Relations/Communications • 453-5541  
Purchasing • 453-5216  
Registration • 453-5575  
Veterans Office • 453-5694  
Vocational Rehabilitation • 453-5004  
Webmaster • www.cherokee.org • 453-5688

## Cherokee Nation Tribal Council (918) 207-3900 or (800) 995-9465

District 1 - Cherokee • Cherokee County  
Bill John Baker • bill-baker@cherokee.org  
Tina Glory-Jordan • tina-glory-jordan@cherokee.org

District 2 - Trail of Tears • Adair County  
S. Joe Crittenden • jcrittenden@cherokee.org  
Jodie Fishinghawk • jodie-fishinghawk@cherokee.org

District 3 - Sequoyah • Sequoyah County  
David W. Thornton, Sr. • dthornton@cherokee.org  
Janelle Lattimore Fullbright • janelle-lattimore-fullbright@cherokee.org

District 4 - Three Rivers • McIntosh, Muskogee  
& Wagoner Counties  
Don Garvin • dgarvin@cherokee.org

District 5 - Delaware • Delaware & Ottawa Counties  
Harley L. Buzzard • harley-buzzard@cherokee.org  
Curtis G. Snell • curtis-snell@cherokee.org

District 6 - Mayes • Mayes County  
Meredith Frailey • meredith-frailey@cherokee.org  
Chris Soap • chris-soap@cherokee.org

District 7 - Will Rogers • Rogers County  
Cara Cowan-Watts • cara@caracowan.com

District 8 - Oologah • Tulsa & Washington Counties  
Buel Anglen • buel-anglen@cherokee.org  
Bradley Cobb • bradley-cobb@cherokee.org

District 9 - Craig • Craig & Nowata Counties  
Chuck Hoskin, Jr. • chuck-hoskin@cherokee.org

At-Large District  
Julia Coates • julia-coates@cherokee.org  
Jack D. Baker • jack-baker@cherokee.org

## Cherokee Nation Housing Offices

**Area 1** (serving Cherokee, Wagoner and Adair Counties)  
Tahlequah (918) 456-8374, Hulbert (918) 772-2177,  
Westville (918) 723-3744, Stilwell (918) 696-2055

**Area 2** (serving Rogers, Washington, Tulsa, Nowata and  
Craig Counties) Claremore (918) 342-2433,  
Catoosa (918) 266-5658, Bartlesville (918) 336-7830,  
Nowata (918) 273-0923, Vinita (918) 256-5382,  
Collinsville (918) 371-8435

**Area 3** (serving Sequoyah, McIntosh and Muskogee Counties)  
Sallisaw (918) 774-0922, Porum (918) 484-5157,  
Warner (918) 463-3242

**Area 4** (serving Delaware, Mayes and Ottawa Counties)  
Jay (918) 253-8315, Locust Grove (918) 479-5128,  
Grove (918) 786-4212, Pryor (918) 825-4811

## Cherokee Nation Health

### Primary Locations

Jay (918) 253-4271  
Toll-Free (877) 293-4271  
Muskogee (918) 781-6500  
Nowata (918) 273-0192  
Toll-Free (877) 373-0192  
Salina (918) 434-8500  
Toll-Free (877) 434-8500  
Stilwell (918) 696-8800  
Toll-Free (877) 747-8800  
Sallisaw (918) 775-9159  
Toll-Free (888) 797-9159

### Satellite Locations

Bartlesville (918) 336-0823  
Vinita (918) 323-0191

THE REPORT TO THE CHEROKEE PEOPLE 2008 IS PRODUCED BY THE CHEROKEE NATION COMMUNICATIONS GROUP WITH THE ASSISTANCE OF CHEROKEE NATION PROGRAM STAFF, CHEROKEE NATION INDUSTRIES, CHEROKEE NATION BUSINESSES AND CHEROKEE NATION ENTERPRISES. ALL COSTS ASSOCIATED WITH PRODUCING, PRINTING AND DISTRIBUTING THE REPORT TO THE CHEROKEE PEOPLE 2008 WERE PAID BY THE CHEROKEE NATION COMMUNICATIONS GROUP. IMAGES AND STORIES CONTAINED IN THIS PUBLICATION ARE NOT FOR REPRINT OR USE WITHOUT WRITTEN PERMISSION FROM THE CHEROKEE NATION. COPYRIGHT ©2008 BY CHEROKEE NATION COMMUNICATIONS GROUP. ALL RIGHTS RESERVED.



# Declaration of Designed Purpose

The Cherokee people and the Cherokee Nation have a designed purpose, a higher calling. We have a vision, a mission and an end goal in mind. We are able to picture the future we want for the Cherokee Nation, design a plan to get there and then work together to make it happen. Our vision for our future is taken from our past.

In 1883, Senator Dawes reported this about the Cherokee Nation after visiting our capitol:

***“There was not a family in that whole nation that had not a home of its own.  
There was not a pauper in that nation, and the nation did not owe a dollar.”***

We should work together for a future in which every Cherokee family owns its own home, no Cherokees are suffering in poverty, and our government and citizens are self-sufficient.

## VISION:

*“The Cherokee Nation shall achieve and maintain an enriching cultural identity, economic self-reliance and a strong tribal government, We should become a happy and healthy people.”*

## MISSION: “ga du gi”

The mission of the Cherokee Nation is “ga du gi” – working together as individuals, families and communities for a better quality of life for this and future generations by promoting confidence, the tribal culture and an effective, sovereign government.

We have developed a plan to help fulfill this mission and make our vision a reality. We must make sure that our daily work, our efforts in Washington, D.C., and every other part of our service to the Cherokee people are directed toward that goal.

## Desired Outcomes of the Cherokee Nation

*To measure our success, we look to our intermediate goals. We call these our Desired Outcomes, meaning they represent what we want to achieve overall. These Desired Outcomes are Sovereignty, Competence, Jobs, Community and Language.*

### **JOBS**

#### *Helping Our Citizens*

The Cherokee Nation will invest in its citizens, employees and communities to help them learn, work and grow. Creating jobs so Cherokees can support themselves, their families, their communities and their nation.

### **LANGUAGE**

#### *Speaking and Singing Our Language*

The Cherokee Nation and Cherokee people will have a strong language, history and culture. Culture is primarily shown through language, which is why we place such a strong emphasis on developing young Cherokee speakers. We also place high value on our elders and those who keep our cultural traditions alive.

### **COMMUNITY**

#### *Encouraging Tribal Members*

The Cherokee Nation will have active, involved, safe, healthy, stable and economically independent citizens. The Cherokee Nation will focus programs toward helping communities as a whole and helping communities work together. Our programs will include a self-help component for those who can help themselves.

### **SOVEREIGNTY**

#### *Exercising Our Sovereignty as a Nation*

The Cherokee Nation will exercise its sovereignty as a self-sufficient nation with an independent economic base. We will protect, preserve and promote our sovereignty.

### **COMPETENCE**

#### *Maximizing Organizational Efficiency*

The Cherokee Nation will work harder AND smarter. We will analyze how we do our work and make sure we are serving the Cherokee people in the best way. We will not always rely on doing things the same way just because that is how we have always done it.

On the following pages we will report to you, the *Cherokee People*, the progress we have made toward reaching our *Desired Outcomes*, fulfilling our mission and making our vision a reality.

We will also report on three of Cherokee Nation’s major initiatives for the past year:  
Language, Jobs and Community.





GWYJ DBP O'EOGJ O'IGJ O'ZPT

## Message from Cherokee Nation Principal Chief Chadwick "Cornassel" Smith

Di-Ni-Yo-Tli U-Na-Li S De-Lv-Do-Di,  
Planting the Seed Corn for Our Children's Future

The story of how our people used seed corn reveals the thoughtful wisdom of our Cherokee ancestors and helps us today achieve our vision of becoming a happy and healthy people. Our elders taught us to put some of the corn crop aside after harvest, always saving and planning for the next year.

Their lesson was to invest what we have today for the future. In each Cherokee Nation initiative, we can and should apply lessons of the seed corn. We will thoughtfully choose and plan initiatives today that will have a positive impact many years to come.

### Language

Like the seed corn, preservation of our Cherokee language is essential for ensuring that our unique Cherokee culture survives for future generations. Every Cherokee Nation program and service is required to somehow encourage and use the Cherokee language. It takes a great commitment to preserve our language; the reward is even greater.

Cherokee Nation's Tsa-la-gi Ju-na-de-lo-qua-s-di (Cherokee Immersion School) teaches the same lessons as any other classroom, but everyone in the class speaks only Cherokee. It gives one a sense of pride to visit these classrooms and see firsthand children learning and playing in Cherokee – something our grandparents experienced and we thought we might never see again.

Other language initiatives include the Cherokee Speakers Bureau, a group of 75 Cherokee speakers who meet to discuss issues surrounding the language, and the Northeastern State University Cherokee Language Program, which will have its first four graduates this year. The Cherokee National Youth Choir sang in the Macy's Thanksgiving Day Parade in New York City and won their third Native American Music Award.

### Community

Strong, self-sufficient families and communities provide the foundation for healthy, happy people. A good community partner, Cherokee Nation dedicated more than \$2.8 million in car tag revenues to area schools. Even our new businesses fill a need in our communities. Cherokee Elder Care is a new innovative health business, for Cherokees and non-Indians alike, that was created to enable frail, older adults to continue to live at home and in the community for as long as possible.

Cherokee Nation practices ga-du-gi, listening and working with our citizens and 70 Cherokee community groups to bring about improvements where our citizens live. Since 2002, we have laid over 595 miles of roads, pitched in on 55 miles of waterlines and supplied materials for 30 community buildings (working currently in Eucha, Muldrow, Victory and Watts communities). These improvements would not have been realized without the Cherokee Nation and will benefit Cherokees for years to come.

### Jobs

Every citizen desires the opportunity to lead a self-sufficient life – to provide for themselves and their family, and to have enough to give back to their community. Decent jobs shouldn't be hard to come by, and Cherokee Nation is doing its part to provide a living wage and good benefits to help people become self-sufficient. Not only do we open new businesses, but we also provide job training, encourage entrepreneurship and partner with communities to bring in new businesses and economic development to the area. We know that Cherokees are hard-working people – we know because of our 6,800 employees, most are Cherokee. Given the chance, Cherokees have shown they want to earn their own way and provide for their families themselves.

### Sovereignty

Sovereignty is our right to an independent government. Our Constitution, which sets forth our executive, legislative and



judicial branches of our tripartite government, is a product of our sovereignty. It allows us dual citizenship in both the Cherokee Nation and the United States of America. Cherokee Nation citizens have inherent civil rights, and our Constitution defines our rights to vote, citizenship and a fair and just court system.

Our sovereignty has enabled us to improve the lives of 8,400 children through increased financial support and parental involvement. All in all, our child support enforcement program gathered more than \$2.5 million while helping our children stay connected with their families.

Cherokee Nation's tribal sovereignty has also allowed us to provide more comprehensive housing and health care services for the future needs of our citizens. Our new housing services have already helped more than 5,000 people with services such as mortgage assistance, rental assistance, homeowners insurance, home rehabilitation, self-help housing, credit counseling and home buyers training.

The Cherokee Nation envisions becoming a leading health care system in northeastern Oklahoma. During the last year, the Cherokee Nation opened the doors to four new health facilities: Three Rivers Health Center in Muskogee, Will Rogers Health Center in Nowata, the Redbird Smith Health Center Annex in Sallisaw and Cherokee Elder Care in Tahlequah. Additionally, we are considering assuming operations of the W.W. Hastings Indian Hospital in Tahlequah, currently operated by the Indian Health Service.

One of our ongoing legal battles is defending the right to determine Cherokee Nation citizenship. Our people have voted and confirmed three times in the past 30 years their desire to remain an Indian tribe composed of Indians. This is not about excluding any particular race; it is about including all Cherokees who can trace to an Indian ancestor on the Dawes Roll. We are actively representing you in court against groups of non-Indians seeking to destroy these very rights and thus our constitutional rights. We are also battling a congressional bill, HR 2824, that would cut \$270 million of federal funding that provides vital services to more than 170,000 people in Oklahoma. It would also result in the direct loss of 6,800 jobs in northeastern Oklahoma.

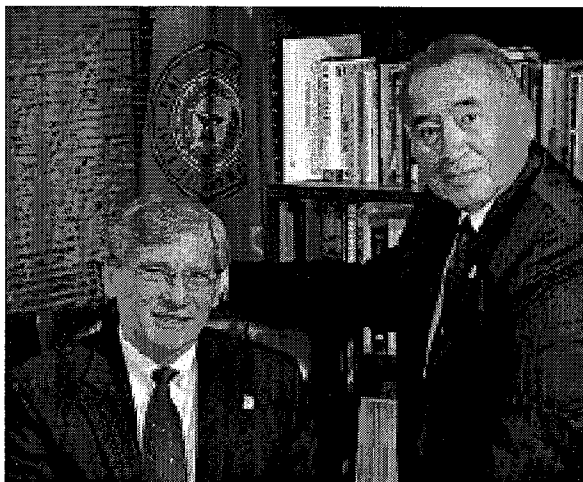
Less than ten years ago, more than 90 percent of the Cherokee Nation's funding came from the federal government. In 2008, only 62 percent of our funds come from federal sources, proof that saving and investing in our future is helping us reach our goal of self-sufficiency.

In the following pages you are going to read a small sampling of personal stories about how Cherokee Nation's programs and services have played a positive role in the lives of our citizens. It is with great pride in our employees and our citizens that we share with you these stories.



Chad Smith

## Cherokee Nation Executive Branch



CHAD SMITH  
PRINCIPAL CHIEF

JOE GRAYSON, JR.  
DEPUTY PRINCIPAL CHIEF

### Cabinet Officers



MELANIE KNIGHT  
SECRETARY OF STATE



DIANE HAMMONS  
ATTORNEY GENERAL



CALLIE CATCHER  
TREASURER



SHARON WRIGHT  
MARSHAL



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# Leading by Example

In the past year, the Cherokee Nation emerged as a leader in educational development both within local communities and among tribes. Cherokee Nation held a number of events that brought people together to share expertise in many areas, including health, education, culture and emergency management.

Eight students from Sequoyah Schools received the **Gates Millennium Scholarship**, an all-expense paid scholarship to the college of their choice. This is the highest number of students from any school in the nation. The scholarship is awarded to minority students who show outstanding academic achievements and leadership abilities.

The Cherokee Nation joined with the University of Oklahoma to sponsor the second annual **Cancer Summit**, which was open to community members, health care professionals, tribal leaders and cancer survivors. Nationally known speakers provided information for participants to use in their own prevention efforts.

The Cherokee Nation Healthy Nation program sponsored a “**Steps to a Healthier Cherokee Nation**” policy conference to support the improved health of communities within the tribe’s 14-county jurisdictional boundaries. Attendees learned how they could promote healthy choices in their communities.

The Cherokee Nation hosted the first annual **Inter-Tribal Emergency Management Coalition Summit**. The summit brought together emergency management personnel from many levels of government, including local, state and tribal officials. The summit provided a way for participants to come together and share best practices in relation to emergency management efforts.

Cherokee Nation Education Services sponsored a **Science, Technology, Engineering and Mathematics Camp** for students interested in a science-based learning environment. Projects during the camp applied engineer-



ing to real-world energy and societal problem-solving.

Cherokee Nation Behavioral Health partnered with the Josh Heupel #14 Foundation to bring an exciting health, motivational and leadership camp to youth in northeastern Oklahoma. **The Day of Champions Camp** brought 115 youth to participate in the motivational, team and skill building sports camp.

The Cherokee Nation helped young Cherokees get a head start on their financial well-being by sponsoring a financial training **Money Camp** in three Cherokee communities. The camps are an innovative way to provide youth the financial tools needed to create future financial independence through games, activities, group exercises and field trips.

Students from the Cherokee Nation Immersion Program swept the Group Spoken Language category for the second straight year during the annual **Oklahoma Native American Youth Language Fair** in Norman. Cherokee students from preschool age through second grade competed against nearly 1,000 other students from around the state.

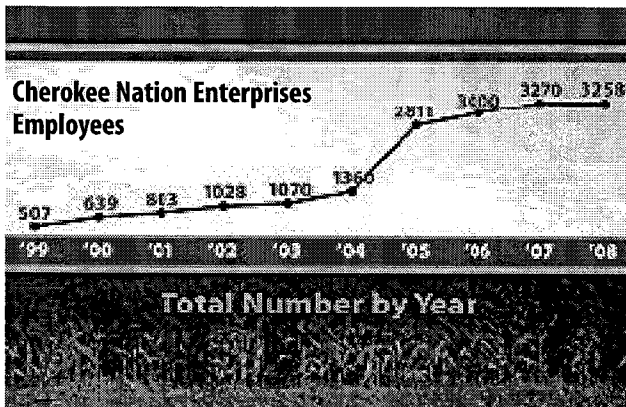
The tribe sponsored many other events during the year that offered educational opportunities for tribal citizens to learn about cultural activities, financial self-sufficiency, tribal history, small business planning, fitness, disease prevention and wellness.

Planting the Seed Corn  
of Cherokee Leadership

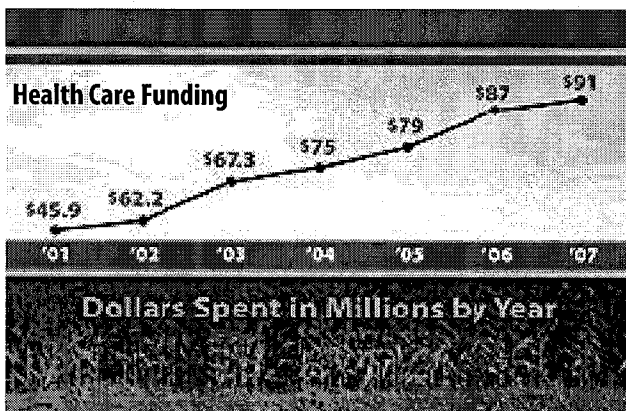




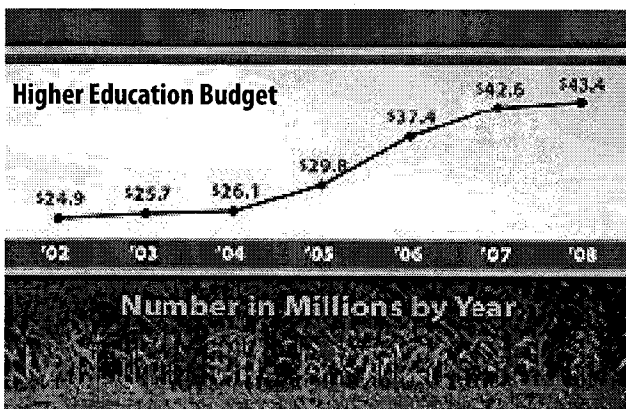
The business divisions and service departments of the Cherokee Nation continue to meet and exceed their goals. Whether providing health care services to more citizens, creating more jobs or adding to the fiscal security of the Nation - all are working together for our future.



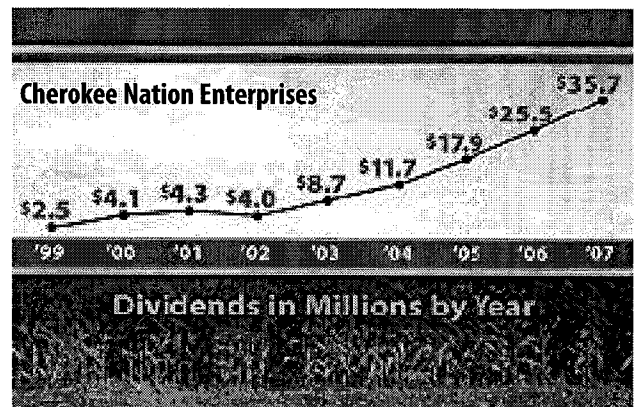
Cherokee Nation Enterprises (CNE) employs more than 3,200 people in northeastern Oklahoma and has a payroll of more than \$100 million. CNE's destination hotel and resort in Catoosa offers superior hospitality and entertainment services, including an 18-hole golf course. CNE continues to grow each year, expanding its business ventures at properties located throughout the Cherokee Nation.



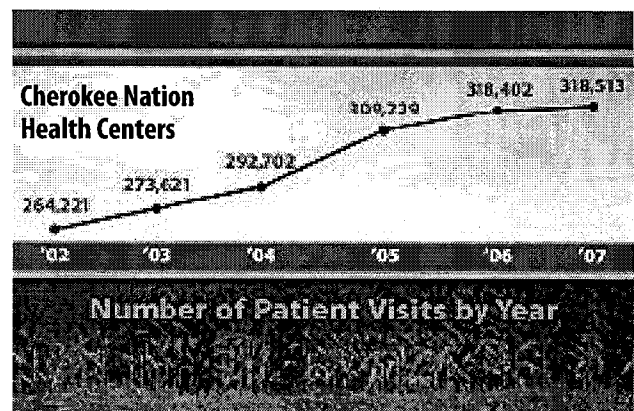
The Cherokee Nation continues to work to increase the current level of health care to our patients. Even though federal health care funding is decreasing and health care costs are rising, the Cherokee Nation continues to be dedicated to its duty to offer quality health care to Cherokee citizens.



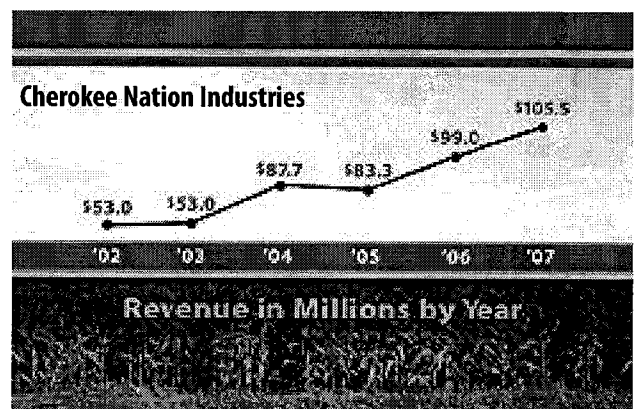
Since 2002, the Cherokee Nation has provided more than \$186.5 million to the overall education program. Cherokee youth are encouraged to successfully complete their education through various programs and higher education scholarships.



Cherokee Nation Enterprises (CNE), a Cherokee Nation-owned business, continues to have impressive growth. All CNE revenue is either invested back into the expansion and diversification of the business or sent to Cherokee Nation as a dividend. The Cherokee Nation government utilizes the dividend money for roads, education, health care and other services.



The Cherokee Nation health centers continue to see an increase in patient visits each year, with an increase of more than 54,000 since 2002. With the opening of the Will Rogers Health Center in Nowata and the Three Rivers Health Center in Muskogee this past year, Cherokee citizens and other Native Americans will now have even better access to health care.



This report represents CNI's audited 2007 year-end financials, June 30, 2006, to September 30, 2007. CNI's 2007 fiscal year includes an additional three months to align all Cherokee Nation-owned businesses' financial reporting periods, resulting in a total revenue of \$136.6 million.





# Cherokee Nation Citizenship Update



Cherokee citizenship is based on having an Indian ancestor listed on the Dawes Rolls. The Cherokee people have clearly voted their mind, three times, on the issue of citizenship. In 2007, more than 77 percent of the voters in a special election voted that every citizen of the Cherokee Nation should have at least one Indian ancestor listed on Cherokee Nation's base roll. They voted to keep the Cherokee Nation a tribe of Indians.

More than 500 other tribes in the United States use the same citizenship requirements. However, a number of non-Indians have made the criteria for Cherokee Nation citizenship a complicated issue by demanding to be included in our tribe. There is currently a bill proposed in the United States Congress, by California Congresswoman Diane Watson, to terminate Cherokee Nation by severing relations between the tribe and the United States.

"Severing relations" would end tribal sovereignty, the basis of our existence. Cherokee Nation would no longer legally exist – no government, no health care, no education, no housing and no social programs. There would be no gaming to support any of our services to our people. More than 6,800 people would lose their jobs and benefits. It would devastate rural northeastern Oklahoma where Cherokee Nation is the largest employer. This legislation would harm our most fragile citizens, our children and our elderly.

Citizenship may be something that our people take for granted, but it is being threatened. Self-determination, including our right to set our own criteria for citizenship, is protected by our own Constitution, by international law and by federal court cases. Still, it can be stripped away by an act of Congress – just as our eastern homelands were in the 1830s.

It is time for our people to fight for our rights as a sovereign nation. To learn more and see how you can join the Principal Chief and Tribal Council in preserving Cherokee Nation's sovereignty, please visit [www.cherokeemnationfacts.org](http://www.cherokeemnationfacts.org) and [www.meetthecherokee.org](http://www.meetthecherokee.org) or contact administration at (877) 211-4909.



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# Building Stronger Cherokee Communities



Community buildings provide opportunities for Cherokees to come together and establish stronger Cherokee communities. With this in mind, the Cherokee Nation contributed funds to various communities within the tribe's jurisdictional area to build community buildings.

The Eucha community in Delaware County and the Fairfield community in Adair County are two locations that received funding.

John Campbell, of the Eucha Fire Department, knows how important such a structure will be to his community.

"This building will serve many purposes within our community and is greatly appreciated," says Campbell.

The center in Adair County was constructed by elders in the Fairfield community, a feat that some believed would be impossible. Bill and Luann Collins are members of the Fairfield community.

"When we applied for funding, a lot of people didn't think we could do it. There were several of us with limited mobility, but we were determined," says Bill Collins. "Our hope when we started the project was that the community building would help to bring the community together, and it has."

Community building projects were created for Cherokees to have a place for tribal and community activities. Funding for the buildings is provided by the tribe, and labor is provided by the community.

The buildings in Eucha and Fairfield will serve as places to hold community gatherings, fundraisers, nutritional classes and meetings. The residents in Eucha also intend to use their structure as a shelter for people in times of crisis.

"These community building projects are a great example of how Cherokees come together for the good of the community. We appreciate the funding from the Cherokee Nation and the services this building has provided for our area," Collins said.

"...a lot of people didn't think we could do it. There were several of us with limited mobility, but we were determined."

Bill Collins

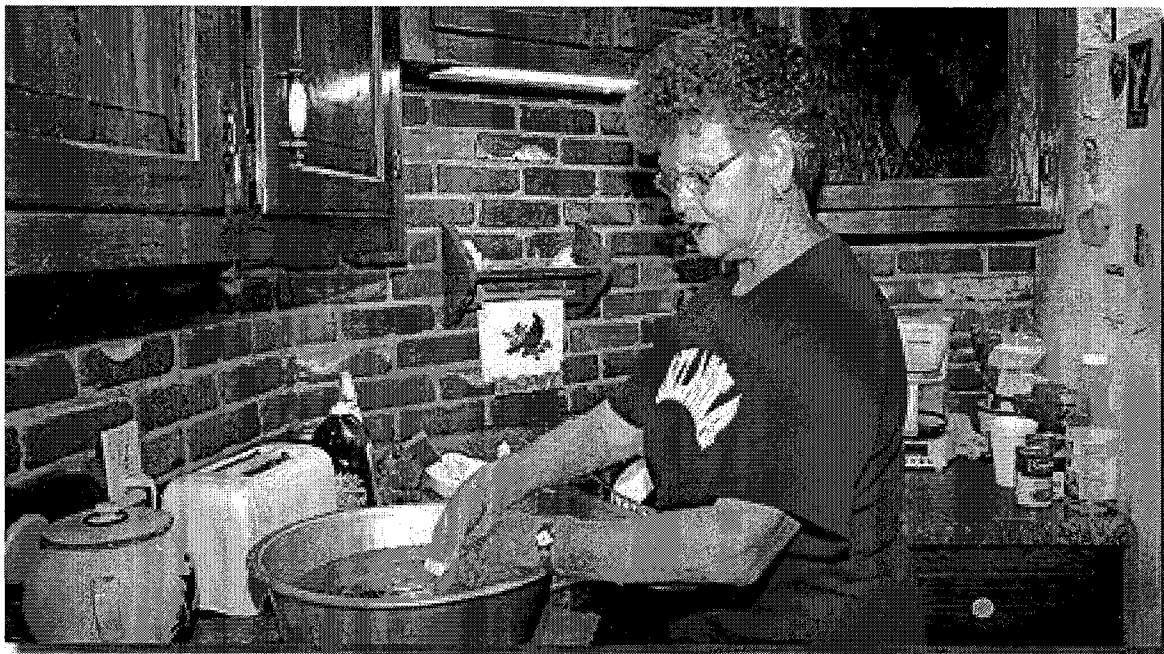


*Communities are now able to come together, thanks to the tribe's community building projects. The construction is completed by community volunteers, and the establishments will serve several purposes in the community.*



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# Clean Water Makes a Difference



Contamination, natural gases and salt in water wells have plagued a Cherokee community in Chelsea for years. The community contacted the Cherokee Nation and a self-help waterline project is underway to ensure safe and plentiful water for every member of the community. With self-help projects, the community supplies the labor and Cherokee Nation provides the materials and technical assistance.

"The waterline is 10 miles long and will help to ensure healthier living for all of us in the community," says community member Bobbie Smith.

The area has a history of oil and gas production. When oil is extracted from the ground, salt is often pulled out too. In the Greer community, the salt water contaminated existing fresh groundwater and made it nearly impossible to drill water wells without hitting salt.

"Some of the community members have capped wells due to contamination. Others have wells that have completely dried up because of the salt. In our household, we just don't have enough water. We can do one load of laundry and then be without water for eight to 12 hours. It is a real hardship for our family," says Bobbie.

Nearly 100 homes are situated along the 10-mile project. The Cherokee Nation contributed the funds to lease the heavy equipment and to purchase the materials for the waterline project.

"I want to thank the Cherokee Nation. This community truly needed their help and they provided it. The Cherokee Nation deserves a pat on the back for helping us," says community volunteer Sandy Shirley.

"...In our household,  
we just don't have  
enough water."

Bobbie Smith, a member of  
Greer Community



*Bobbie and Pete Smith lived with a depleted water supply for years, and many of their neighbors have contaminated wells. The Cherokee Nation stepped up to help this community in need and provided funding for a new waterline.*



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# Constructing a Brighter Future



Ralph and Tawni Tyner will have a home to raise their son in and a place that they can call home by participating in the Cherokee Nation's Self-Help Housing Program.

"Our little boy hasn't had his own room since he was one year old," says Tawni. "This house will provide my son with a greater sense of stability and a place that we can call home for years to come."

Before taking part in the program, the Tyners rented and found that they were getting nowhere fast.

"We were spending a fortune in rent. This house will be more cost-effective in the long run. It is built to be energy efficient, and it will help us to be in a better position financially to work toward other goals like going to college," Tawni says.

Ralph and Tawni's house will also enable Tawni to be in a better position to take care of her parents, a job that she takes very seriously.

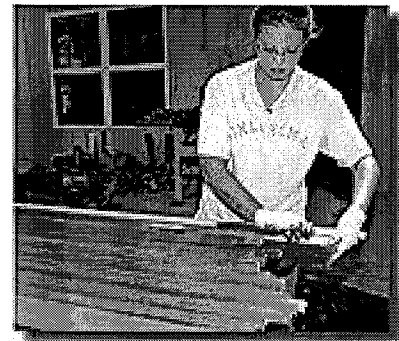
"This is where I need to be. This is where my parents are. I take care of them, and living next door to them will make life a lot easier on me and them."

The Self-Help Housing Program provides citizens with the possibility to own their own home and allows them to participate in the construction process.

"This is an awesome opportunity," says Tawni. "To have the chance to build your own home is amazing. When you put the work into it, it makes you appreciate it more. It's more than just your time, it's your home. I just can't tell you what this home means to me and my family. There aren't enough words or big enough hugs to thank the Cherokee Nation."

"...It's more than  
just your time, it's  
your home."

Tawni Tyner



*Tawni and Ralph Tyner will be able to provide a better life for their family through their participation in the Self-Help Housing Program. The couple is working together to build a home, a dream that would not be possible without help from the Cherokee Nation.*





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# Caring Counts in Health Care



Shelly Crawford has an appreciation for life. She is diabetic.

Last fall, Shelly suffered from a life-threatening situation related to her diabetes, which required emergency surgery. Being self-employed with no insurance, she was concerned she would not live to see the Christmas holidays.

"Things can get out of hand so quickly when you have diabetes," Shelly says. "The people at Cherokee Nation really cared and got me the help I needed. How much more can you say when your life is at stake, and it is when you are talking about diabetes."

Diabetes affects more than 21 million Americans, and Oklahoma ranks number two in the nation for prevalence of this disease. Last year, 38 percent of patients seen at Cherokee Nation health centers were diagnosed with diabetes, and the Cherokee Nation spends more than \$6.5 million each year on treatment and prevention efforts. In 2007, the Cherokee Nation partnered with the University of Oklahoma in the form of a \$1.5 million donation to fund research for the disease.

Shelly says an important aspect for her was that the doctors and nurses at Cherokee Nation cared about her as a person, and it was important to know that her health care professionals knew her as an individual and not just as another patient.

"When you have diabetes, a lot comes down to what you do. The dietician and the pharmacist met with me and told me what to do. I went to a class and learned recipes," she says.

For Shelly, it has meant the chance to live. "I can't ever say 'thank you' enough, and I mean that sincerely," she says.



*More than 9,000 diabetic patients are served by the Cherokee Nation Diabetes Program each year. The program uses a team approach of providers, nurses, dieticians and certified educators to help patients prevent complications and manage the disease.*

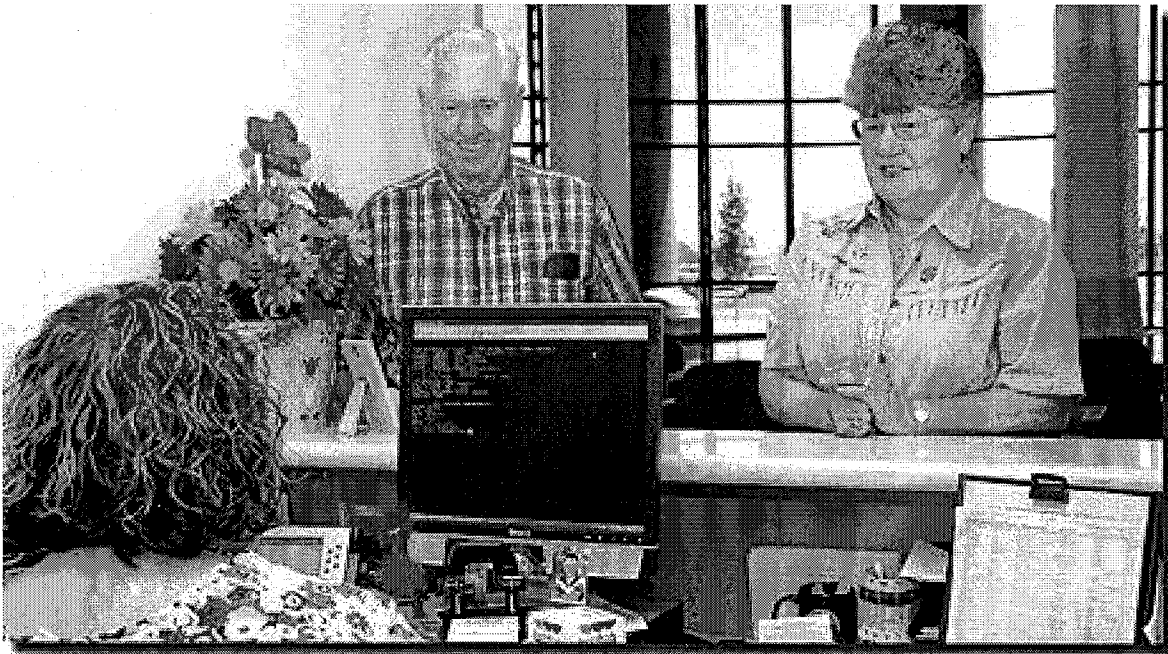
**"The people at Cherokee Nation really cared and got me the help I needed."**

Shelly Crawford



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# Expanding Cherokee Health Care



As a U.S. Air Force family, James and Wanda Mayer stayed in good health for years and did not think much about health care needs. Today, however, the couple is grateful for the Cherokee Nation health care centers for not only themselves, but for their children and grandchildren as well.

The Mayers could obtain their health care anywhere but they prefer Cherokee Nation Health Services.

Over the past year, the Cherokee Nation celebrated the opening of four new health facilities, the Will Rogers Health Center in Nowata, the Redbird Smith Health Center Annex in Sallisaw, the Cheokee Elder Care facility in Tahequah and the Three Rivers Health Center in Muskogee.

Both James and Wanda said they were very pleased with the wide variety of services offered at the Cherokee Nation health centers. Wanda said, thanks to the Cherokee Nation, the quality of life for their entire family has greatly benefited from having the variety of services offered, especially in the area of prevention.

"The big thing is prevention. It's a lot better than a cure," James said. "They have everything here, and it is so convenient. It is just a remarkable facility."

According to Wanda, care for the family and pride in being Cherokee are both important aspects in keeping Cherokees healthy in the future.

"Now there are a lot more ways the people can help themselves," she said. "Today, we don't have to give our children a hand out, but instead a hand up. For us, it is our grandchildren who are reaping the benefits now thanks to what has been done before."

"Today, we don't have to give our children a hand out, but instead a hand up."

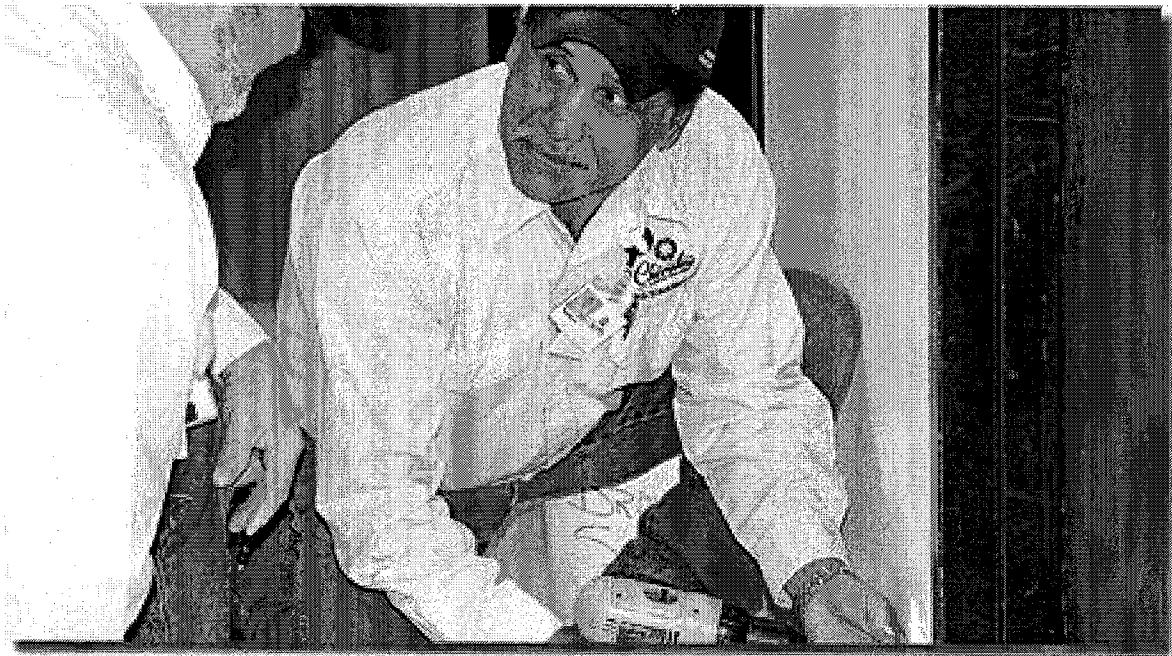
Wanda Mayer



*In 2007, the Cherokee Nation opened four health care facilities, representing a \$35.5 million commitment to Cherokees and other Native Americans.*

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# Cherokee Nation Businesses Offers Jobs



## Cherokee Nation Enterprises

*Expands and Invests in Cherokee Culture*

In 2007, CNE generated \$418.6 million in revenue. After paying operating expenses and payroll, the tribe turned a profit of \$111.6 million. More than \$33 million went to fund tribal government services, such as education, housing and health care. According to tribal law, 70 percent was allocated to job creation, reinvesting the money in our people's future.

Overseeing the tribe's retail, gaming, hospitality, entertainment and cultural tourism businesses, CNE employs more than 3,200 people. Since the tribe wholly owns CNE, all profits from its seven casinos, six tobacco stores, four gift shops, three hotels, two golf courses, two Cherokee Outpost convenience stores and the Cherokee Travel Plaza stay within the tribe.

Job creation remained the largest focus for CNE in 2007, with major expansions underway on its properties in Catoosa and West Siloam Springs, which are expected to add 1,000 new jobs in 2008 and 2009. CNE created a new cultural tourism department in 2007. The department will promote the tribe's cultural identity through tourism partnerships, advertising and tour sales. Visitors to the new tourism Web site at [www.cherokeetourismok.com](http://www.cherokeetourismok.com) can learn about significant cultural sites and, in the near future, be able to reserve spots on guided tours.

The art gallery and theater at the Cherokee Travel Plaza in Roland recently underwent a \$60,000 renovation to showcase Cherokee artistic endeavors, such as the first Cherokee language film to be shown at the Cannes Film Festival, "Stories of the Cherokees." The gift shop at the Cherokee Heritage Center in Park Hill was also enhanced to display Cherokee art and artifacts available for purchase.

### Simply Put

#### **\$119.4 million**

Payroll to employees, most of whom are Cherokee

#### **\$167.2 million**

Operating expenses, with preference for spending the money with businesses owned by and employing Cherokees

#### **\$20.4 million**

Gaming compact fees with the state, with the money earmarked for public education and jobs in the horse racing industry

#### **\$77.9 million**

Creating hundreds of new jobs for Cherokees in local communities

#### **\$33.7 million**

Services for Cherokee elders, youth and communities



## Cherokee Nation Industries

*Still Growing After All These Years*

Almost 40 years ago, the Cherokee Nation started a small, electrical assembly company in Stilwell, Oklahoma. Cherokee Nation Industries was created with the mission to generate jobs for Cherokee citizens and produce revenue for tribal services.

Today, the company is housed in two facilities in Stilwell, two offices in Tahlequah and a marketing office in Tulsa. CNI has a diverse business portfolio with nearly 400 jobs in the Stilwell and Tahlequah area. CNI specializes in aerospace and defense manufacturing, telecommunications, distribution, construction management and personnel services.

Cherokee Nation Industries' core business, aerospace and defense, specializes in intricate wire harness assembly for the commercial and governmental aerospace and defense industries. CNI serves as a supplier to several large companies, including Boeing, Bell, Sikorsky, Lockheed Martin and L3. This division saw record growth in 2007, hiring nearly 100 new workers, brought aboard to support the demands of new multi-year, multimillion-dollar contracts. The aerospace and defense division's revenues increased nearly 50 percent from 2006 to 2007, earning revenues of \$15 million during the 15-month fiscal year.

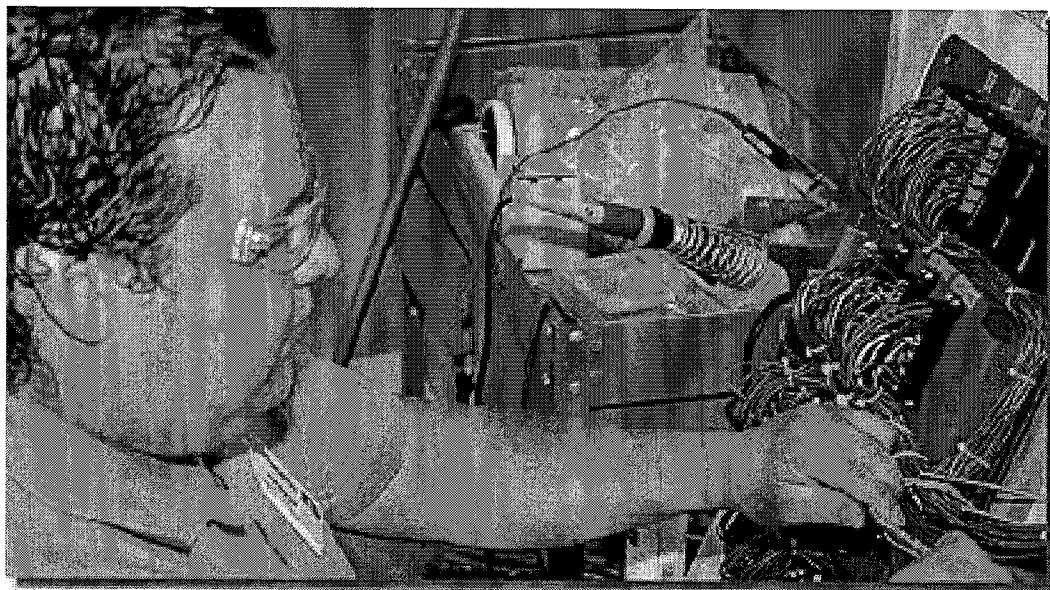
Cherokee Nation Distributors (CND), a sister company to CNI, earned more than \$60 million in revenue during 2007, an increase of nearly \$10 million. CND is a supply chain distribution company which recently branched into construction management. It has successfully completed several multimillion-dollar projects over the past year, including two health centers, a gaming facility and the Sequoyah Schools gymnasium. The division has recently entered into the public sector for construction projects, earning a multimillion-dollar contract with the city of Bixby early in 2008.

Cherokee Nation Telecommunications (CNT), another CNI division, is a reseller of telecommunications products. During 2007, the company earned its quality certification and the certification to sell and install CISCO networking solutions, the only tribal company to earn this certification. CNT earned more than \$26 million during the 2007 fiscal year.

The Cherokee Medical Services (CMS) division provides medical professionals and engineers for all branches of the U.S. Armed Forces as well as other federal agencies. During the 2007 fiscal year, CMS earned more than \$32 million in revenue, up more than \$6 million from the previous fiscal year.

As the company approaches its 40th anniversary, Cherokee Nation Industries is something all Cherokees can be proud of.

## Working Close to Home



Cherokee Nation Industries has been dedicated to providing employment for local Cherokees. This dedication allows CNI to give employment opportunities to citizens in their home community. By providing local jobs, Cherokee communities stay strong and Cherokee families can count on quality benefits such as health insurance and good pay. One Cherokee who recognizes CNI's commitment to Cherokee citizens is Kendall Littledeer of Stilwell. Littledeer says he was considering a move to West Siloam Springs to find a job with better pay and benefits when he was made aware of

*continue*





job opportunities with CNI. "My friends said I should check out working here, because they work here and really like it," said Littledeer. Until Littledeer was hired at CNI, he was struggling to find quality employment in his hometown of Stilwell. He decided to see what CNI had to offer and says he is glad he did. "I have been driving by this place for years and some of my family has worked here for quite a while," said Littledeer. "I have truly loved the past two months of work." Littledeer says the one thing he likes about his position as an aerospace technician is that he finds his work exciting and challenging. The stringent quality requirement for products manufactured at CNI requires aerospace technicians to focus on and be dedicated to quality. Littledeer is just one of many Stilwell residents who depend on CNI to provide quality jobs.

## Providing Job Stability



During the past four decades, Cherokee Nation Industries has provided stable jobs. Stilwell resident Irene Fourkiller's career with CNI has spanned nearly 30 years, since joining the company in 1979.

"I find it extremely valuable to be employed in Stilwell," said Fourkiller. Fourkiller said though she has been employed at CNI for many years, she knows others, such as her friend and fellow Stilwell resident Lizzie Duvall, who have called CNI home since it opened in 1969. Since 1969, CNI has grown to multiple facilities. Its humble beginning was a former VFW building before moving to its present facility at Highway 51 and 59. Most recently, the company has expanded operations to a new building, formerly the Stilwell Wal-Mart. "The company has really grown," said Fourkiller. "I have seen a lot of great advancements over my time here." Fourkiller started at the company as a lead production associate, honing her skills to become one of a few employees certified to check the quality of her own work. Because of such high quality standards in the industry, normally only supervisors are allowed to ensure the quality of a product. Fourkiller credits the confidence in her work to the fact that she has never manufactured a single rejected product. "This work is kind of scary, knowing that the products we manufacture end up on helicopters, planes and defense weapons," Fourkiller said. "That is why we have to be careful when building stuff and ensure excellent quality."

"This work is kind of scary, knowing that the products we manufacture end up on helicopters, planes and defense weapons."

Irene Fourkiller

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# Opening Hearts and Homes



Cathy and Leroy Sanders open their hearts and home to children in need by serving as foster parents for the Cherokee Nation's Indian Child Welfare Foster Care Program.

"Every child deserves the safety and security of a loving home," says Leroy. "It doesn't matter to us what race a child is or what may be wrong with them. If we have room, we just take them in and love them."

According to Cathy and Leroy, they became involved in foster care after their children were grown and began having families of their own. Cathy believes that foster care is great therapy and considers the ability to share their home with children in need of love and stability to be fulfilling.

"We know that ultimately the goal of the tribe's foster care program is to reunite families, and that's okay with us. It often hurts to let a child go, but to us, as long as they are taken care of, that's all that really matters. We understand that bringing families back together is the goal of the program. When a child is returned home, we pat each other on the back and say, 'We won one.'"

Today, the Sanders family has three tribal children in their care, all are under five years old. One was officially adopted by the family, and Cathy and Leroy are in the process of adopting a second child.



*Foster homes offer a stable and loving environment for Native American children. The Sanders family is one such family who understands the joys of providing a home to Cherokee children where they can learn about their heritage.*

"Every child deserves the safety and security of a loving home."

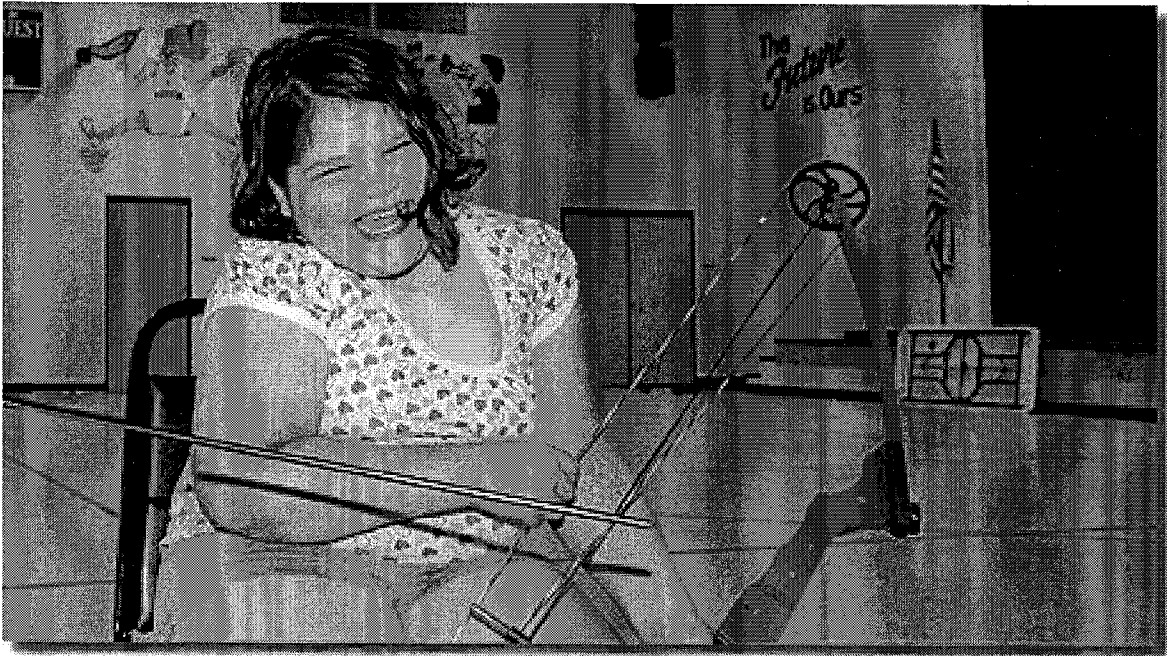
Leroy Sanders

Planting the Seed Corn of  
Strong Cherokee Families



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# Creating Self-esteem



Calleigh Henson is a huge sports fan but can't always participate in athletic activities. Calleigh was diagnosed with cerebral palsy at two years of age and has limited mobility.

"We have to do adaptive physical education," says Jennifer Henson, Calleigh's mom. "Calleigh isn't always able to participate in activities with her classmates, and that's hard for Calleigh and for me."

Calleigh's school system understands her situation and believes that physical activity should be available to every student of any athletic ability, so they used a contribution from the Cherokee Nation to help create an archery program for students at the Locust Grove Upper Elementary School.

"I like archery. It's fun, and I can compete and be as good as the other kids," says Calleigh. "Archery is neat because I get to be with everyone else in my class and take part. I don't always get to do that."

The archery class is one of the first school-affiliated archery programs in the state, but more importantly, it is helping Calleigh to build confidence and self-esteem.

"I can do anything I set my mind to, even coach my brother from the stands when he plays basketball," says Calleigh, with a smile.

The archery program was started in part by a contribution made to the school system from the sale of Cherokee Nation car tags over the last year. This year, the Cherokee Nation distributed more than \$2.8 million to eligible schools throughout northeastern Oklahoma.

"I can do anything I set my mind to, even coach my brother from the stands when he plays basketball."

Calleigh Henson



*Locust Grove Public Schools used a portion of their car tag funding to create one of the first school-affiliated archery programs in the state for its students.*

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# Opportunities Lead to Success



Susan Bennett understands what a difference Cherokee Nation programs can make in the lives of its citizens.

"When I first came to the Cherokee Nation for help, I was a single mom raising four kids, earning \$7 per hour and barely making ends meet," says Susan.

Susan contacted Cherokee Nation's Career Services Group and was introduced to the Classroom Training Program, a service that provides assistance with the costs associated with pursuing an associate degree.

"Without the help of the Cherokee Nation and its programs, I would never have been able to pursue a degree, much less complete one. But I did it," Susan says.

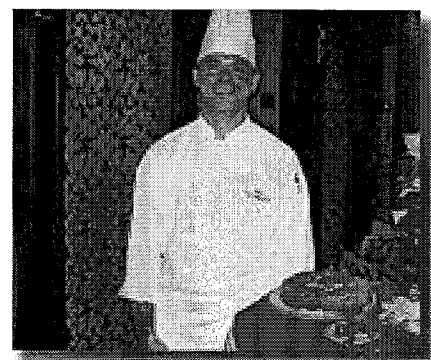
She went on to complete her bachelor's degree with the help of an undergraduate scholarship from Cherokee Nation's Education Services Group and then received a master's degree in social work.

Today, Susan is the supervisor of the Cherokee Nation Rental Assistance Program for Delaware, Mayes and Ottawa Counties. To Susan, life is good and the obstacles of yesterday are behind her.

"In a way, it's almost like I have come full circle," says Susan. "I used to barely survive and struggled to make ends meet. I am now in a position to help other people and employed by the organization that made it all happen."

"I used to barely survive...I am now in a position to help other people."

Susan Bennett



Another Career Services success story, Cherokee Nation enabled Brian Elam to obtain an Associate in Applied Science Degree in Food Service Management-Culinary Arts with plans to continue on to college. In the meantime, Brian has been catering events on his own and working with other caterers. He recently worked an event for Chesapeake Energy, the third largest natural gas producer in the world.

Planting the Seed Corn  
of Self-Sufficiency



ISGELQJ SGAO D&BFT

# Education, Making the Right Choice



Barbara Collins knows firsthand the challenges non-traditional students face, but she understands the difference an education can make to someone's life and family.

"In high school, I was a horrible student," says Barbara. "I hated school; and if my parents had tried to force me to go to college, I'm sure I would have failed."

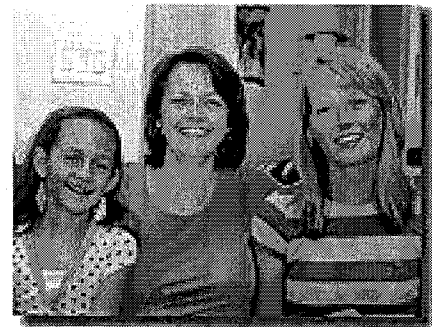
Instead, Barbara got married, had a daughter and then got a divorce. Raising a child alone, she felt the only way to ensure a good life for her daughter, Sara, was to enroll in college.

"I was 25 and a first-time college student. I was scared to death to go to school, but I wanted to provide Sara with the kind of life that I had enjoyed as a child. For me, there was no other choice. It was the right thing to do for both of us."

Barbara received assistance from Cherokee Nation's Undergraduate and Graduate Scholarship Programs.

"I could never have afforded to go to school without the Cherokee Nation's scholarship opportunities. When the money was dispersed, I paid my bills and lived on the rest. I didn't blow the extra money like most of the younger students. I knew that I couldn't," says Barbara.

Barbara overcame her fears and completed college. She excelled in her studies and graduated Magna Cum Laude. Life has changed for Barbara. Today, she is a state certified teacher in computer technology, business education and library media. She is also remarried and has a second daughter, Molly.



*Barbara Collins embraces the opportunity of education and knows from experience the difference it can make in a person's life and future.*

**"I could never have afforded to go to school without the Cherokee Nation's scholarship opportunities."**

Barbara Collins





DPĒŌVĪ DHGWY TGŌŌĀPLŌĪ

# Preserving Cherokee Culture



Cherokee art and culture have been a part of Mary Bendabout's life since she was a young girl, and she understands the importance of passing on her heritage to younger generations of Cherokees.

"If we don't teach our children our customs and culture, no one else will," says Mary. "Our Cherokee elders will not be with us forever. We have to learn our traditions now. I learned from my mother years ago by watching and am glad to pass this knowledge down."

Mary helps preserve Cherokee culture and language through a teaching opportunity provided by Cherokee Nation's Johnson O'Malley Program (JOM). Although she is not a teacher, Mary is the instructor for Wickliffe Public School's art class, a class that would not be available without JOM funding.

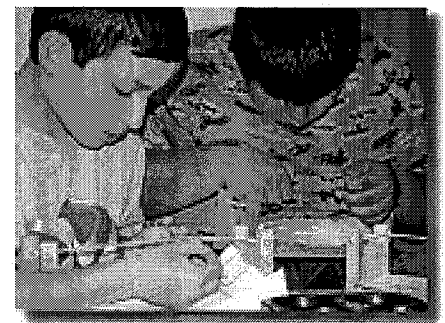
Students in Mary's class learn how to weave baskets, work with clay, do beadwork and even learn the Cherokee language.

"My classes primarily learn art, but I do my best to teach the kids Cherokee as well. It amazes me how much of the language they have picked up."

The Cherokee Nation's JOM Program is committed to helping American Indian students achieve all that they can academically, culturally and creatively.

"We couldn't survive without JOM funding. Thank you, Cherokee Nation, for being an advocate for education," says Principal Melissa Cagle.

## Planting the Seed Corn of Cherokee Wisdom



*Wickliffe Public Schools use a portion of their JOM funds to provide an art class to students. Due to budget constraints, the class would not be possible without funding from the Cherokee Nation's JOM Program.*

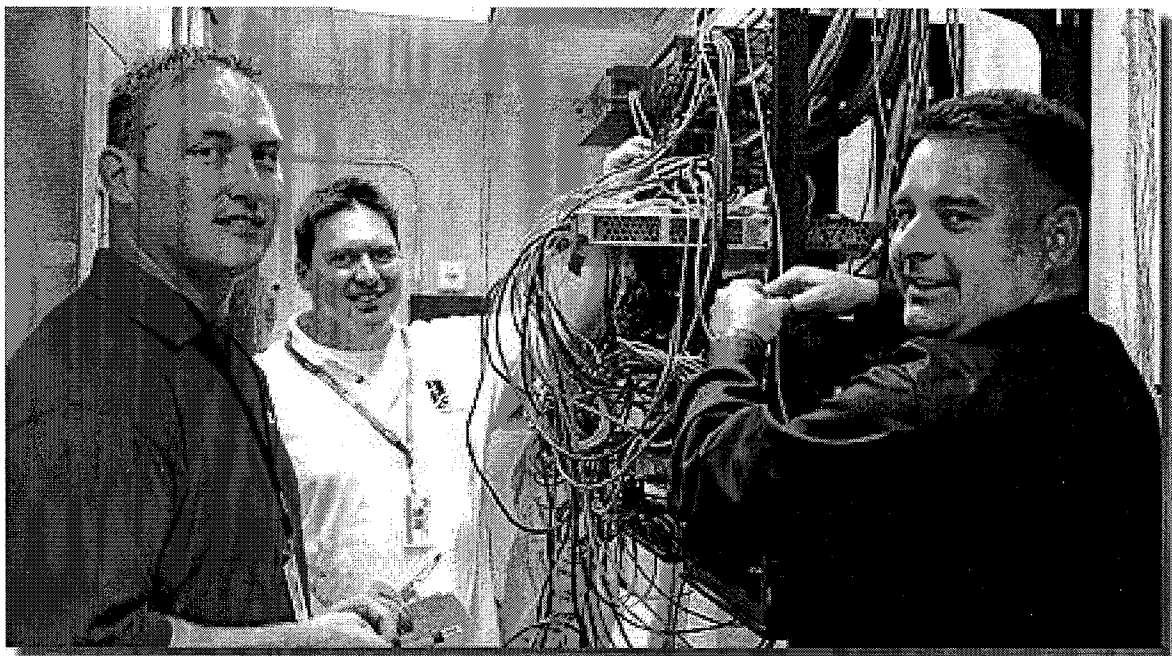
"Our Cherokee elders  
will not be with us forever.  
We have to learn our  
traditions now."

Mary Bendabout



TV JSĀŌŌĀĀ ŌVPR JECĀJ ĤSŌTĒ ĤEĀ

# New Business Maps out Financial Stability



James Cavin is a veteran of Operation Iraqi Freedom and a business owner of one of the only wireless networking companies in Oklahoma.

"During the war, my buddy Brian and I would talk about what we were going to do with our lives when we returned home to our families," says James. "Ironically, Brian had the same type of background in networking that I did. So we put our heads together and mapped out a plan for our future and a business."

With the help of his friend and a \$250,000 business loan made available by the Cherokee Nation's Small Business Assistance Center, James established DTS Communications. DTS provides wireless Internet capabilities to residential customers and cities, a relatively new technology that allows connection to the Internet using radio waves instead of phone lines.

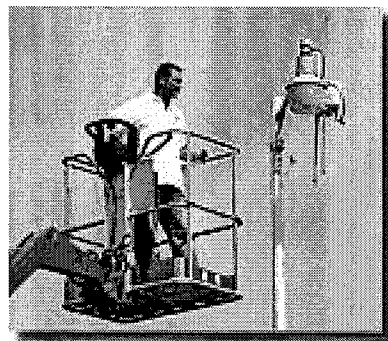
"Oklahoma City and Bartlesville have similar capabilities but are not linked together like the system we have established in Pryor," says James. "DTS is one of the only wireless companies of its kind in the state."

James says that DTS is growing and will need to expand in the near future. He hopes to be in a position to provide jobs to citizens in Cherokee communities.

"I want to thank the Cherokee Nation, not just for the loan, but for the knowledge provided to DTS," says James. "They helped us to create a business plan and model that have helped us move into a direction that will allow DTS to be more successful."

"...we put our heads together and mapped out a plan for our future and a business."

James Cavin



James Cavin inspects a user access point after a storm. The point enables wireless Internet service for residents and city personnel. Cavin helped finance his wireless networking company through the Cherokee Nation's Small Business Assistance Center.



“We are grateful for the funding from the Cherokee Nation,” says Seth. “This road will make going to work a lot easier and quicker for me and my wife. Thank you, Cherokee Nation.”



Jay Blackfox - Delaware County Sheriff



## Elected Officials



**Seated from left:** Bill John Baker, Tina Glory-Jordan - District 1, Cherokee Co.; S. Joe Crittenden, Jodie Fishinghawk - District 2, Adair Co.; David W. Thornton, Sr., Janelle Lattimore Fullbright - District 3, Sequoyah Co.; Don Garvin - District 4, McIntosh/Muskogee/Wagoner Co.; Harley L. Buzzard, Curtis G. Snell - District 5, Delaware/Ottawa Co.

**Standing from left:** Meredith Frailey, Chris Soap - District 6, Mayes Co.; Cara Cowan Watts - District 7, Rogers Co.; Buel Anglen, Bradley Cobb - District 8, Tulsa/Washington Co.; Chad Smith, Principal Chief; Joe Grayson, Jr., Deputy Principal Chief; Chuck Hoskin, Jr. - District 9, Craig/Nowata Co.; Julia Coates, Jack D. Baker - At-Large.

## Legislative Branch of Cherokee Nation

The Cherokee Nation Tribal Council is the lawmaking branch of the Cherokee Nation's tripartite government. It is comprised of 17 elected officials, representing Cherokee citizens living in the nine districts of the Cherokee Nation, plus the citizens living outside the jurisdictional boundaries, the at-large district.

Tribal Council members are charged with reviewing and approving the laws of the Cherokee Nation. Each Tribal Council member serves a four-year term. To enact the new Constitution's staggered term requirements, Tribal Council members drew lots to have some members serve six-year terms on a one-time only basis. Beginning in 2011, Tribal Council elections will be held every two years.

The Council re-elected Meredith Frailey as speaker, elected Cara Cowan Watts as deputy speaker and Don Garvin as secretary. In her duties as Speaker of the Tribal Council, Frailey serves as the official spokesperson for the entire Council and presides over the monthly Council meetings.

In preparation for the general Council meeting held each month, these lawmakers sit on six special committees to research and discuss matters pertaining to pending legislation. The committees are: education and culture, community and tribal services, executive and finance, resources, rules and health.

One legislative outcome of the education and culture committee was the new Truth in Advertising Act. The act carries out the oath of office taken by each elected official and supports the Cherokee Nation's Constitutional charge to uphold and protect our Cherokee language and culture. The act requires that arts and crafts advertised as Indian-made be authenticated as made by a member of a federally-recognized tribe.

During a joint Council meeting between the Cherokee Nation and Eastern Band of Cherokee Indians, a resolution was passed to oppose an Oklahoma bill that would make English the official state language. Chief Smith applauded the Council's support of the resolution, which stated that tribes still recalled the detrimental effects of Bureau of Indian Affairs boarding schools where many students were punished for speaking their native tongue.



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# Cherokee Nation Judicial Branch

Cherokee Nation's Judicial Branch consists of three Tribal Courts that are open to every person or entity within the 14-county jurisdiction of the Cherokee Nation in northeastern Oklahoma. It is dedicated to providing a legal system that upholds and protects Cherokee law and the citizens of the Cherokee Nation.

The Cherokee Nation Judicial Appeals Tribunal was created by the 1975 Constitution. The 1999 Cherokee Constitution changed the name of the court to the Cherokee Nation Supreme Court. It is comprised of five Justices, each nominated by the Principal Chief and confirmed by the Tribal Council. The Supreme Court has appellate jurisdiction and other jurisdiction as conferred by statute.

The District Court of the Cherokee Nation handles civil, criminal and juvenile cases. The civil realm can hear matters of name changes, protective orders and guardianships. The criminal cases are those that arise in Indian country jurisdiction and are prosecuted by Cherokee Nation attorneys. Juvenile cases typically consist of deprivation matters and children in need of supervision.

The Healing to Wellness Court established within the Cherokee Nation Court system in 2002 serves Native American children twelve to eighteen years of age and



their families through a system of services designed to bring into harmony youth, families and community. The system fosters leadership by providing judicial treatment, support and services that meet the needs of Cherokee youth with substance abuse issues.

Cherokee Nation's judicial branch is housed in the historic tribal courthouse built in 1867 to house the Cherokee Nation Senate and Council, Executive Department, Supreme Court and the Superintendent of Schools. The courthouse is used today for tribal court hearings and dockets for the District Court, the Supreme Court and the Healing to Wellness Court.

## ᏪᏩᏩ ᏪᏩᏩᏩ SUPREME COURT

Darell R. Matlock, Jr.  
*Chief Justice*

Darrell Dowty  
*Justice*

Kyle B. Haskins  
*Justice*

James G. Wilcoxen  
*Justice*

Troy Wayne Poteete  
*Justice*

## ᏪᏩᏩ ᏪᏩᏩᏩ DISTRICT COURT

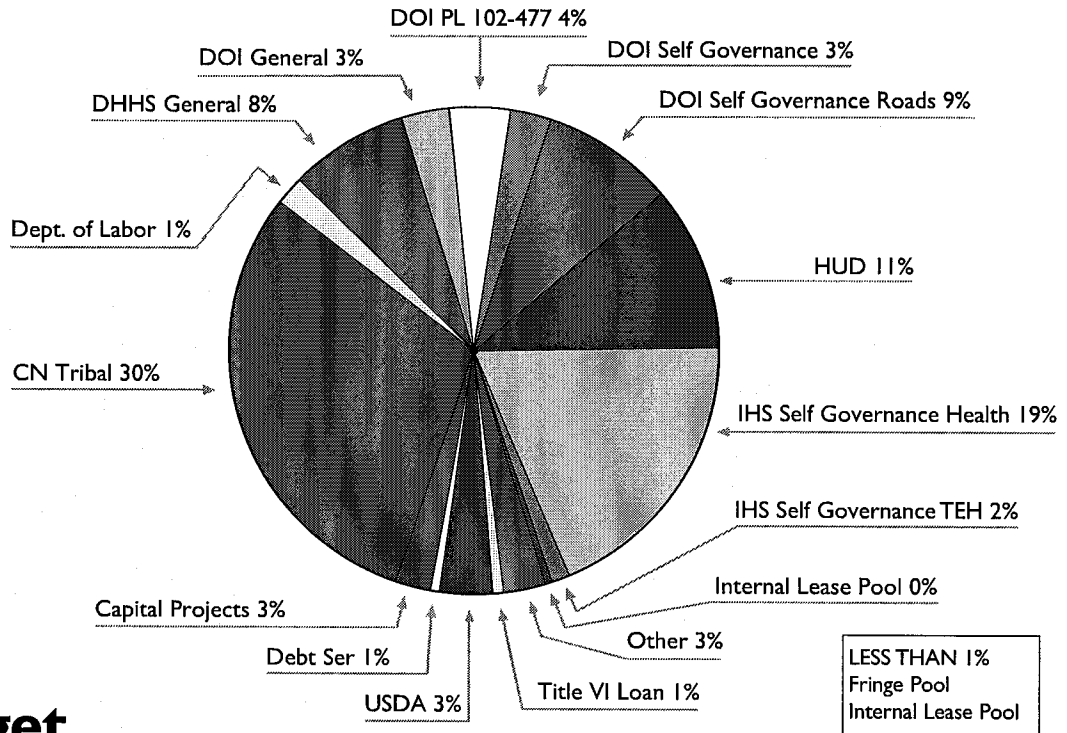
John T. Cripps  
*Judge*

C. Bart Fite  
*Judge*



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where the  
money  
comes  
from



## 2008 budget

Cherokee Nation's 2007 Comprehensive Financial Report and Independent Audit show continuing increases in revenues and service expenditures, as well as a healthy and positive balance in the tribe's General Fund. The report also shows the major fund accounts for programs that support education, health services, human services and community services.

"Once again, I am pleased to report a good financial year for the Cherokee Nation," said Chad Smith, Principal Chief. "We have set a precedent to build a solid foundation that will help the tribe grow for many years to come."

The Cherokee Nation was once again honored with the Certificate of Achievement for Excellence in Financial Reporting from the Governmental Financial Officers' Association. The award is given only to those whose comprehensive financial annual reports achieve the highest standards in governmental accounting and financial reporting.

Less than a decade ago, nearly 90 percent of the Cherokee Nation's funding was dependent on federal sources. In 2008, the amount has dropped to approximately 62 percent. The tribe's budget has increased each year during that time, while dependence on federal funding has decreased. This represents economic self-sufficiency.

"Our eventual goal is to become completely self-sufficient, with our own self-governing means of funding our government and protecting our people," said Chief Smith.

The Nation's assets exceeded its liabilities at the end of fiscal year 2007 by \$165 million, an increase of \$20 million since last year. Of this total amount, \$84 million are unrestricted net assets that may be used to meet the government's ongoing obligations.

This is an increase of \$15 million in unrestricted assets. The tribe's overall liabilities were at a total of \$202 million, an increase of \$32 million. The net assets increased by \$20 million, largely attributable to an increase in dividends from component units, increases in revenues from motor vehicle taxes, other revenues and unrestricted investment earnings.

Increases for General Fund revenues are primarily the result of increased dividends from component units due to greater profits from gaming operations, increases in tax and license revenues due to vehicle registrations and gaming commission revenues, and increased interest income.

General Fund expenditures and transfers increased in fiscal year 2007 as compared to fiscal year 2006 by a total of \$15.2 million. The largest contributors to the increased expenditures were new initiatives such as the Constitutional defense fund, discretionary incentives for all employees, ice storm relief efforts, increases in existing programs such as contract health and Indian child welfare, increases in debt expenditures on the Sequoyah multipurpose center note, and transfers to the capital projects for health center construction and expansion.

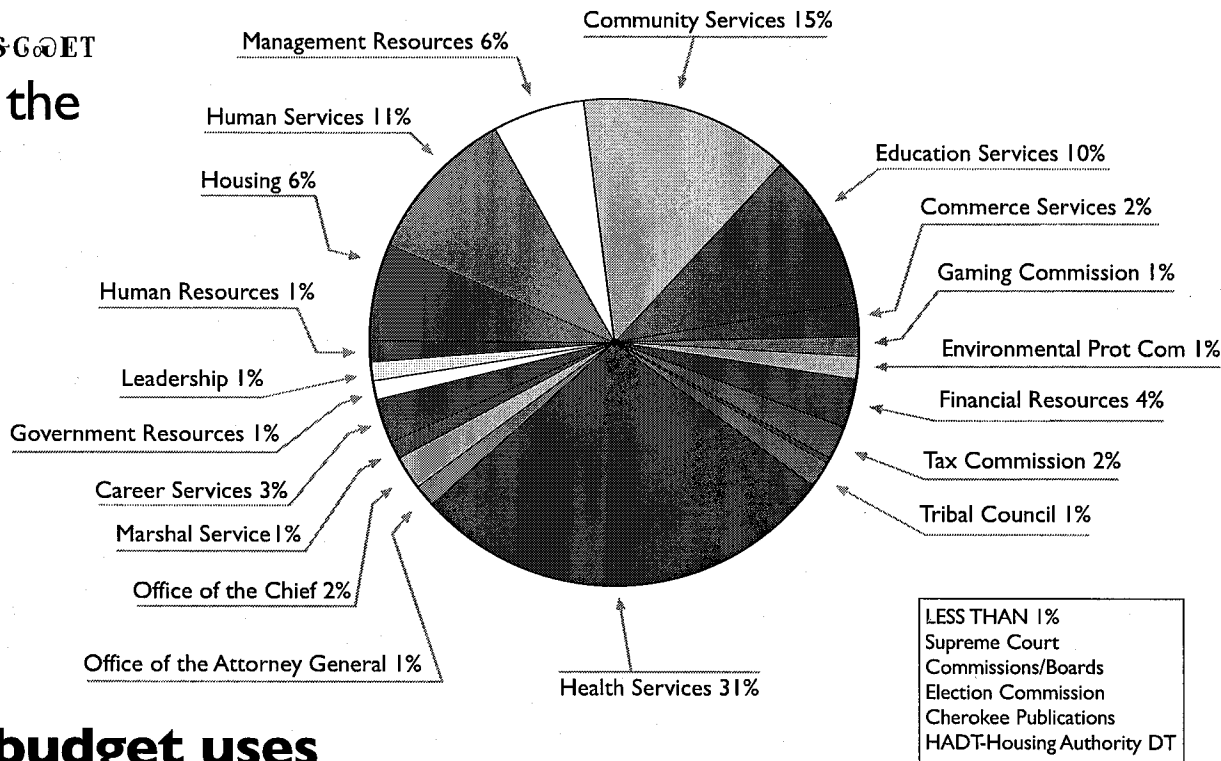
Self-Governance DOI Roads program funds decreased due to reduction of roads being built in the major construction phase and having a larger number of roads in the planning and design phases, as compared to the previous year.

Self-Governance Department of Health and Human Services revenues and transfers increased in fiscal year 2007 primarily due to an increase in third party revenues resulting from serving more patients due to expanded services and an additional health center. Expenditures and transfers out increased due to expanded services



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where the  
money  
goes



## 2008 budget uses

and an additional health center and transfers to the capital projects fund for health center construction, expansion and equipment, and transfers to the debt service fund to service the debt and interest on the Bonds.

Revenues and expenditures from Housing and Urban Development increased as a result of increased sub-grants for housing, and the construction and rehabilitation of client homes. The sub-grants are used to provide affordable housing to citizens.

Total governmental assets for the Nation for fiscal year 2007 were \$360 million. Of this amount, \$80 million is related to investment and capital assets such as land, buildings and equipment. Other assets, primarily cash, investments and receivables, represent funds available to meet both current and future obligations of the Nation.

Total liabilities of the Nation's governmental activities were \$196 million. Of this amount, approximately \$60 million relates to long-term obligations primarily for Title VI guaranteed loan program used to provide affordable housing to citizens, and bonds issued to construct two health centers and expand a third.

The assets of the Nation's governmental activities exceeded liabilities by \$164 million. The net assets increased by \$20 million, or 14 percent, during the year. Total revenues for fiscal year 2007 were \$278 million. Total expenses were \$253 million, which cover a variety of services. Approximately 36 percent of the total expenses were for health care for citizens. In total, governmental-type revenue exceeded expenses by \$24 million, resulting in an increase in net assets. Net expenses for business-type activities exceeded revenues by \$3.8 million, resulting in a decrease in net assets.

The increase in net assets in 2007 is largely attributable to an increase in dividends from component units, increases in revenues from motor vehicle taxes and other revenues, and unrestricted investment earnings. The more significant increases in expenses in fiscal year 2007 as compared to fiscal year 2006 are as follows:

- Tribal government -Established Constitutional defense funding, indirect cost shortfall funding, and increased funding of the Get Out the Vote initiative along with discretionary incentives for all employees.
- Health services -Increased funding for contract health, cancer, and diabetes treatment and prevention.
- Education services -Increased funding for the JOM and Immersion programs.
- Human services -Increased funding for the Indian Child Welfare program.
- Community services -Increased funding for waterlines and housing rehabilitation.

The independent audit firm of BKD, LLP issued an audit opinion, stating the financial statements present fairly in all material respects, the financial position of the Cherokee Nation. The audit covers fiscal year 2007, from October 1, 2006 through September 30, 2007.

Copies of the Cherokee Nation's Comprehensive Annual Financial Report are available for review on our Web site at [www.cherokee.org](http://www.cherokee.org) or at the Cherokee Nation's Cherokee FIRST Welcome Center at the tribal complex, located south of Tahlequah.

### NOTE:

This Report discusses the 2007 actual figures and the graph includes 2008 budgeted figures.





GWYA DBE  
CHEROKEE NATION®

*"I have always believed that the Great Creator has a great design for my people, the Cherokees. I have been taught that from my childhood up and now in my mature manhood I recognize it as a great truth. We are endowed with intelligence, we are industrious, we are loyal and we are spiritual, but we are overlooking the particular Cherokee mission on earth, for no man or race is endowed with these qualifications without a designed purpose."*

—Redbird Smith, 1918

Cherokee Nation  
P.O. Box 74465  
Tahlequah, Oklahoma  
(918) 453-5000  
[www.cherokee.org](http://www.cherokee.org)

# Exhibit 4

## Treaty of Holston, 1791

A Treaty of Peace and; Friendship made and concluded between the President of the United States of America, on the Part and Behalf of the said States, and the undersigned Chiefs and Warriors, of the Cherokee Nation of Indians, on the part aide Behalf of the said Nation.

The parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee Nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The President of the United States, by William Blount, Governor of the territory of the United States of America, south of the river Ohio, and Superintendant of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with-the advice and consent of the Senate of the United States. And the Cherokee Nation, by the undersigned Chiefs and Warriors representing the said nation, have agreed to the following articles, namely:

## ARTICLE I.

There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

## ARTICLE II.

The undersigned Chiefs and Warriors, for themselves and all parts of the Cherokee nation do acknowledge themselves and the said Cherokee nation, to be under the protection of the said United States of America, and of no other sovereign whosoever; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

## ARTICLE III.

The Cherokee nation shall deliver to the Governor of the territory of the United States of America, south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States: And the United States shall on or before the same day, and at the same place, restore to the Cherokees, all the prisoners now in captivity, which the citizens of the United States have captured from them.

## ARTICLE IV.

The boundary between the citizens of the United States and the Cherokee nation, is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugelo river; thence northeast to the Occunna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary; thence north to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland river where the Kentucky road crosses it; thence down the Cumberland river to a point from which a south west line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence down the said ridge to a point from whence a south west line will strike the mouth of Duck river.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained, and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation. And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described. beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods, to be immediately delivered to the undersigned Chiefs and Warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee

nation. And the undersigned Chiefs and Warriors, do hereby for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above-mentioned, release, quit-claim, relinquish and cede, all the land to the right of the line described, and beginning as aforesaid.

#### ARTICLE V.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river.

#### ARTICLE VI.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

#### ARTICLE VII.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

#### ARTICLE VIII.

If any citizen of the United States, or other person not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

#### ARTICLE IX.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the Governor of some one of the United States, or territorial districts, or such other person as the President of the United States may from time to time authorize to grant the same.

#### ARTICLE X.

If any Cherokee Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

#### ARTICLE XI.

If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong against a citizen or white inhabitant thereof.

#### ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is and shall have been refused.

#### ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, of any designs which they may



know, or suspect to be formed in any neighboring tribe, or by any person whatever, against the peace and interest of the United States.

#### ARTICLE XIV.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

#### ARTICLE XV.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

#### ARTICLE XVI.

This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate of the United States. In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the treaty ground on the bank of the Holston, near the mouth of the French Broad, within the United States, this second day of July, in the year of our Lord one thousand seven hundred and ninety-one.

William Blount, governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian Affairs for the southern district,

Chuleoah, or the Boots, his x mark,

Squollecuttah, or Hanging Maw, his x mark,

Oecunna, or the Badger, his x mark,

Enoleh, or Black Fox, his x mark,

Nontuaka, or the Northward, his x mark,

Tekakiska, his x mark

Chutloh, or King Fisher, his x mark,

Tuckaseh, or Terrapin, his x mark,

Kateh, his x mark

Kunnochatutloh, or the Crane, his x mark

Canquillehanah, or the Thigh, his x mark,

Chesquotteleneh, or Yellow Bird, his x mark,

Chickasawtehe, or Chickasaw Killer, his x mark,

Tuskegatehe, Tuskega Killer, his x mark,

Kulsatehe, his x mark,

Tinkshalene, his x mark

Sawntteh, or Slave Catcher, his x mark,

Auknah, his x mark

Oosenaleh, his x mark

Kenotetah, or Rising Fawn, his x mark,

Kanetetoka, or Standing Turkey, his x mark.

Yonewatleh, or Bear at Home, his x mark,

Long Will, his x mark

Kunoskeskie, or John Watts, his x mark,

Nenetooyah, or Bloody Fellow, his x mark,  
 Chuquilatague, or Double Head his x mark,  
 Koolaquah, or Big Acorn, his x mark  
 Too wayelloh, or Bold Hunter, his x mark  
 Jahleoonoyehka, or Middle Striker, his x mark,  
 Kinnesah, or Cabin, his x mark,  
 Tullotehe, or Two Killer, his x mark  
 Kaalouske, or Stopt Still, his x mark  
 Kulsatche, his x mark,  
 Auquotague, the Little Turkey's Son, his x mark,  
 Talohteske, or Upsetter, his x mark,  
 Cheakoneske, or Otter Lifter, his x mark  
 Keshukaune, or She Reigns, his x mark,  
 Toonaunailoh, his x mark,  
 Teesteke, or Common Disturber his x mark,  
 Robin McClemore  
 Skyuka  
 John Thompson, Interpreter.  
 James Cery, Interpreter.

Done in presence of-

Dan'l Smith, Secretary Territory United States south of the river Ohio  
 Thomas Kennedy, of Kentucky.  
 Jas. Robertson, of Mero District  
 Claiborne Watkins, of Virginia.  
 Jno. McWhitney, of Georgia.  
 Fauche, of Georgia.  
 Titus Ogden, North Carolina.  
 Jno. Chisolm, Washington District.  
 Robert King.  
 Thomas Gegg.

Additional Article To the Treaty made between the United States and the Cherokees on the second day of July, one thousand seven hundred and ninety-one. IT is hereby mutually agreed between Henry Knox, Secretary of War, duly authorized thereto in behalf of the United States, on the one part, and the undersigned chiefs and warriors, in behalf of them selves and the Cherokee nation, on the other part, that the following article shall be added to and considered as part of the treaty made between the United States and the said Cherokee nation on the second day of July, one thousand seven hundred and ninety-one; to wit:

The sum to be paid annually by the United States to the Cherokee nation of Indians, in consideration of the relinquishment of land, as stated in the treaty made with them on the second day of July, one thousand seven hundred and ninety-one, shall be one thousand five hundred dollars instead of one thousand dollars, mentioned in the said treaty. In testimony whereof, the said Henry Knox, Secretary of War, and the said chiefs and warriors of the Cherokee nation, have hereunto set their hands and seals, in the city of Philadelphia, this seventeenth day of February, in the year of our Lord, one thousand seven hundred and ninety-two.

H. Knox, Secretary of War,  
 Iskagua, or Clear Sky, his x mark (formerly Nenetooyah, or Bloody Fellow),  
 Nontuaka, or the Northward, his x mark,  
 Chutloh, or King Fisher, his x mark,

Katigolah, or the Prince, his x mark,  
Teesteke, or Common Disturber, his x mark,  
Suaka, or George Miller, his x mark,

In presence of-  
Thomas Grooter.  
Jno. Stagg, Jr.  
Leonard D. Shaw  
James Cery, sworn intrepeter to the Cherokee Nation.

# Exhibit 5

## Trademark/Service Mark Application, Principal Register

Serial Number: 78748323

Filing Date: 11/07/2005

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
MARK	<u>CHEROKEE</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CHEROKEE
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>OWNER SECTION</b>	
NAME	Tiffany Adams
INTERNAL ADDRESS	#160
STREET	7657 Winnetka Avenue
CITY	Winnetka
STATE	California
ZIP/POSTAL CODE	91306
COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
<b>LEGAL ENTITY SECTION</b>	
TYPE	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	041

DESCRIPTION	Entertainment services, namely, live and recorded performances by an entertainment personality; entertainment services, namely live and recorded performances via broadcast television, satellite, cable, radio, broadband, and global computer network, featuring adult entertainment; radio entertainment services, namely radio programs, featuring performances by film and video personality broadcast via satellite, radio, cable, broadband and global computer networks; entertainment services in the nature of live-action, drama programs, action and animated motion picture films for television, satellite, broadband and global computer networks; theatrical performances both animated and live action; providing a web site featuring videos, related clips, photographs, other multimedia materials, text, adult related products; and providing information in the field of entertainment
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/00/2002
FIRST USE IN COMMERCE DATE	At least as early as 08/00/2002
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT8\IMAGEOUT8</u> <u>787\483\78748323\xml1\AP P0003.JPG</u>
SPECIMEN DESCRIPTION	Performance advertisement
<b>SIGNATURE SECTION</b>	
SIGNATURE	/tiffany adams/
SIGNATORY NAME	Tiffany Adams
SIGNATORY DATE	11/04/2005
SIGNATORY POSITION	An Individual
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325.00

<b>ATTORNEY</b>	
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ATTORNEY DOCKET NUMBER	016-44-002
OTHER APPOINTED ATTORNEY(S)	Michael J. Ram and Louis A. Mok
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AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	

SUBMIT DATE	Mon Nov 07 13:27:36 EST 2005
TEAS STAMP	USPTO/BAS-7110324766-2005 1107132736405161-78748323 -200ecb55f5073157c881fce5 5bdd81337f-DA-1534-200511 04190203471284

PTO Form 1476 (Rev 6/2005)  
OMB No. 0651-0009 (Exp xx/xx/xxxx)

## Trademark/Service Mark Application, Principal Register

**Serial Number: 78748323**

**Filing Date: 11/07/2005**

### To the Commissioner for Trademarks:

**MARK:** (Standard Characters, see mark)

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The literal element of the mark consists of CHEROKEE.

The applicant, Tiffany Adams, a citizen of United States, residing at #160, 7657 Winnetka Avenue, Winnetka, California, United States, 91306, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 041: Entertainment services, namely, live and recorded performances by an entertainment personality; entertainment services, namely live and recorded performances via broadcast television, satellite, cable, radio, broadband, and global computer network, featuring adult entertainment; radio entertainment services, namely radio programs, featuring performances by film and video personality broadcast via satellite, radio, cable, broadband and global computer networks; entertainment services in the nature of live-action, drama programs, action and animated motion picture films for television, satellite, broadband and global computer networks; theatrical performances both animated and live action; providing a web site featuring videos, related clips, photographs, other multimedia materials, text, adult related products; and providing information in the field of entertainment



In International Class 041, the mark was first used at least as early as 08/00/2002, and first used in commerce at least as early as 08/00/2002, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Performance advertisement.

Specimen - 1

The applicant hereby appoints Anna M. Vradenburgh and Michael J. Ram and Louis A. Mok of Anna M. Vradenburgh, Suite 107, 555 St. Charles Drive, Thousand Oaks, California, United States, 91360 to submit this application on behalf of the applicant. The attorney docket/reference number is 016-44-002.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: generalmail@koppelpatent.com.

A fee payment in the amount of \$325.00 will be submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /tiffany adams/ Date: 11/04/2005

Signatory's Name: Tiffany Adams

Signatory's Position: An Individual

**Mailing Address:**

Anna M. Vradenburgh  
Suite 107  
555 St. Charles Drive  
Thousand Oaks, California 91360

RAM Sale Number: 1534

RAM Accounting Date: 11/07/2005

Serial Number: 78748323

Internet Transmission Date: Mon Nov 07 13:27:36 EST 2005

TEAS Stamp: USPTO/BAS-7110324766-2005110713273640516

1-78748323-200ecb55f5073157c881fce55bdd8

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# Exhibit 6

# Cherokee

From Wikipedia, the free encyclopedia

The **Cherokee** are a Native American people originally from the Southeastern United States (Alabama, Georgia, North Carolina, Tennessee). They are linguistically connected to speakers of the Iroquoian language. The word Cherokee may have derived from the Choctaw word 'Cha-la-kee' meaning "those who live in the mountains." The Cherokee refer to themselves as *Tsa-la-gi* (pronounced "Zah la gee" or "Tsa lah gee" in the eastern Giduwa dialect or pronounced "ja-la-gee" in western dialect) or *A-ni-yv-wi-ya* (pronounced "ah knee yuh wee yaw" (western) or "Ah nee yuhn wi yah" (Eastern dialect), literal translation: "Principal People").

In the 19th century, Cherokees were known as one of the "Five Civilized Tribes" because they had integrated numerous cultural and technological practices of their European-American neighbors. According to the 2000 U.S. Census, they are the largest of the 563 federally recognized Native American tribes in the United States.<sup>[2]</sup>

The Cherokee Nation and the United Keetoowah Band of Cherokee Indians have headquarters in Tahlequah, Oklahoma. The Eastern Band of Cherokee Indians is located at Cherokee, North Carolina. All three are federally recognized.

## Contents

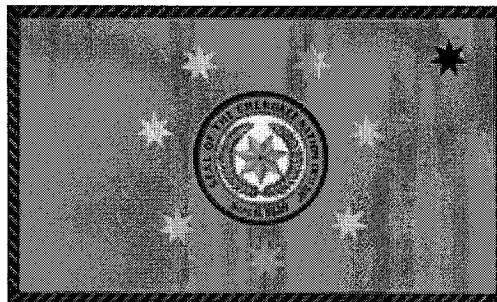
- 1 History
  - 1.1 Cherokee origins
  - 1.2 Hernando de Soto (1540)
  - 1.3 Juan Pardo (1567)
  - 1.4 English contact (1654)
  - 1.5 Early 18th century
  - 1.6 War of the Cherokee and Chickasaw with the Shawnee (1710)
  - 1.7 Tuscarora War
  - 1.8 Destruction of Chestowee

**GWY**

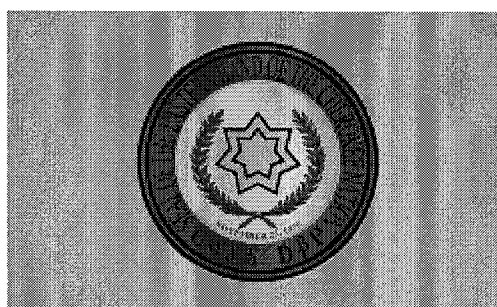
This article contains **Cherokee syllabic characters**. Without proper rendering support, you may see question marks, boxes, or other symbols instead of Cherokee syllabics.

### Cherokee

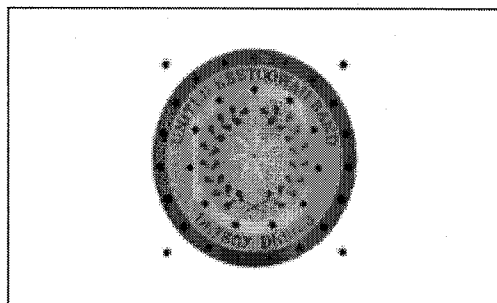
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Flag of the Cherokee Nation in Oklahoma



Flag of the Eastern Band Cherokee



Flag of the United Keetoowah Band of Cherokee Indians

### Total population

300,000+

### Regions with significant populations

**Languages**  
Enrolled members:

- 1.9 Yamasee War
- 1.10 War with the Muscogee
- 1.11 Anglo-Cherokee War (1760)
- 1.12 War with the Chickasaw
- 1.13 Watauga Association
- 1.14 Transylvania Purchase
- 1.15 Second Cherokee War
- 1.16 Chickamauga wars
- 1.17 After the wars<sup>[20][21]</sup>
- 1.18 Removal era (1800)
  - 1.18.1 Trail of Tears
  - 1.18.2 Ridge opposition
  - 1.18.3 Separation
- 1.19 In the American Civil War
- 1.20 20th century
- 2 Customs and ceremonies
  - 2.1 Marriage
- 3 Language and writing system
  - 3.1 Language drift
- 4 Treaties and government
  - 4.1 Treaties
  - 4.2 Government
- 5 Modern Cherokee tribes
  - 5.1 Cherokee Nation<sup>[32][33][34]</sup>
  - 5.2 Eastern Band of Cherokee Indians
  - 5.3 United Keetoowah Band of Cherokee Indians
  - 5.4 Relations between the three federally-recognized Cherokee tribes
  - 5.5 Tribal recognition and membership
    - 5.5.1 New resolution
  - 5.6 Cherokee Freedmen
- 6 Notable Cherokees
  - 6.1 In history
  - 6.2 Modern day
- 7 See also
- 8 Notes
- 9 References
- 10 External links
  - 10.1 Organizations

English, Cherokee

### Religion

Christianity (Southern Baptist), Traditional Ah-ni-yv-wi-ya

### Related ethnic groups

Iroquois (Mohawk, Oneida, Onondaga, Cayuga, Seneca, Tuscarora), Nottoway, Meherrin, Coree.

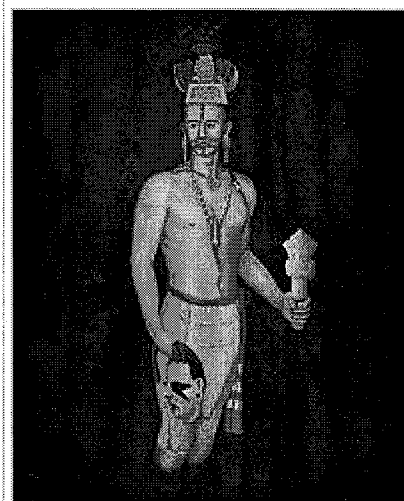
## History

*Further information: Models of migration to the New World and Pre-Columbian North America*

## Cherokee origins

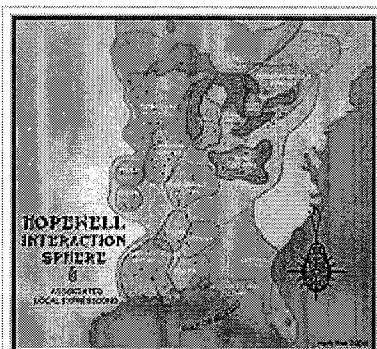
Nearly 12,000 years ago, Native Americans or Paleo-Indians appeared in what is today referred to as "The South."<sup>[3]</sup> Paleo-Indians in the Southeast were hunter-gatherers who pursued a wide range of animals, including the megafauna, which became extinct following the end of the Pleistocene age.<sup>[3]</sup> It is commonly assumed that Paleo-Indians were specialized, highly mobile foragers that hunted late Pleistocene fauna such as bison, mastodons, caribou, and mammoths, although direct evidence is meager in the Southeast.<sup>[3]</sup>

In the late Archaic Period, the Cherokee ancestors began to cultivate plants such as marsh elder, lambsquarters, sunflowers, pigweed, and some native squash. The increased food supply provided leisure time, which people used to build mounds, refine arts and crafts (and create new art forms like shell gorgets), and celebrate religious ceremonies. During Mississippian Period (900 A.D. to 1500 A.D.), Cherokee ancestors developed a new variety of corn called eastern flint, which closely resembles modern corn. At the Green Corn Ceremony, families, clans, and tribes came together for prayers, dances, marriages, and reconciliations



A Mississippian era priest holding a ceremonial flint mace. The Cherokee are believed to have descended from a mound builder culture like the Mississippians.

Much of what is known about pre-19th century Cherokee culture and society comes from the papers of American writer John Howard Payne. The Payne papers describe the account by Cherokee elders of a traditional societal structure in which a "white" organization of elders represented the seven clans. According to Payne, this group, which was hereditary and described as priestly, was responsible for religious activities such as healing, purification, and prayer. A second group of younger men, the "red" organization, was responsible for warfare. Warfare was considered a polluting activity which required the purification of the priestly class before participants could reintegrate into normal village life. This hierarchy had disappeared long before the 18th century. The reasons for the change have been debated, with the origin of the decline often located with a revolt by the Cherokee against the abuses of the priestly class known as the Ani-kutani.<sup>[4]</sup>



Distribution of Hopewell cultures that the Cherokee were apart of before the 1500s.

Ethnographer James Mooney, who studied the Cherokee in the late 1880s, first traced the decline of the former hierarchy to this revolt.<sup>[5]</sup> By the time of Mooney, the structure of Cherokee religious practitioners was more informal, based more on individual knowledge and ability than upon heredity. In addition, separation of the Eastern Cherokee, who had not participated in the removal and remained in the mountains of western North Carolina, further complicated the traditional hierarchies.<sup>[4]</sup>

Another major source of early cultural history comes from materials written in the 19th century by the *didanvwisgi* (Cherokee:ꯏꯃꯅꯥꯔꯩꯂꯩꯔ), Cherokee medicine men, after Sequoya's creation of the Cherokee syllabary in the 1820s. Initially only the *didanvwisgi* used these materials, which were considered extremely powerful.<sup>[4]</sup> Later, the

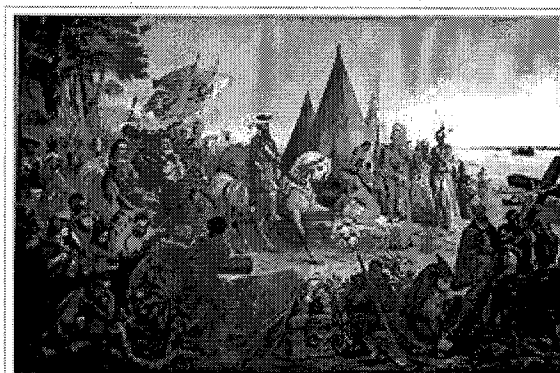
writings were widely adopted by the Cherokee people.



Unlike most other Indians in the American southeast at the start of the historic era, the Cherokee spoke an Iroquoian language. (Other exceptions were the Tucarora, Nottoway, Meherrin, and Coree.) Since the Great Lakes region was the core of Iroquoian language speakers, scholars have theorized that the Cherokee migrated south from that region. Linguistic analysis shows a relatively large difference between Cherokee and the northern Iroquoian languages, suggesting a split in the distant past.<sup>[6]</sup> Glottochronology studies suggest the split occurred between about 1,500 and 1,800 B.C.<sup>[7]</sup> The ancient settlement of Kituwa on the Tuckasegee River, formerly next to and now part of part of Qualla Boundary (the reservation of the Eastern Band of Cherokee Indians), is often cited as the original Cherokee settlement in the Southeast.<sup>[6]</sup>

## Hernando de Soto (1540)

In describing the history of American Indians living in the interior of the American southeast, scholars use the term prehistory for the time before 1540 and European contact. This was when Spanish under Hernando de Soto first passed through Cherokee country. De Soto's expedition visited many of the Georgia and Tennessee villages later identified as Cherokee, but recorded them as then ruled by the Coosa chiefdom. To the northeast, the *Chiska* inhabited all the country surrounding Whitetop Mountain where Tennessee, Virginia and North Carolina meet, while a *Chalache* nation was recorded as living around the Keowee River where North Carolina, South Carolina and Georgia meet (Mooney).



*Discovery of the Mississippi* by William H. Powell (1823–1879) is a Romantic depiction of de Soto seeing the Mississippi River for the first time.

## Juan Pardo (1567)

Under Juan Pardo, Spanish troops built a total of six forts in 1567 in the interior: at the regional chiefdom of *Joara* and other towns in 1567–68. It was part of a path he was trying to fortify to go west to Spanish silver mining settlements in Mexico. Joara was a chiefdom of the Mississippian mound builder culture, established about 1000 CE. The Spanish alienated the natives over the months and were soon destroyed. During the years of their occupation, native headmen led groups at Joara, *Nikwasi*, *Estatoe*, *Tugaloo*, *Conasauga*, and *Kituwa* in the late 1560s. The Catawba Nation have been proposed as likely descendants of the natives at Joara.<sup>[8]</sup>

After the 18th century, the towns were later recorded as Cherokee. The Cherokee frequently kept the name of abandoned *Muscogee* towns after their occupation. Kituwa was almost certainly Cherokee. **Joara** was a regional chiefdom at the time of Pardo's forays into the interior; his records list its headman as a *mico* and those of the other towns as *oratas*. Late 20th and early 21st century archaeological finds have given more insight into the Joara culture.

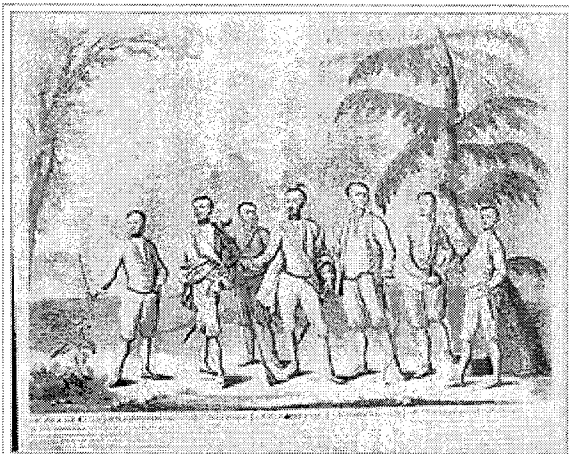
Following these failed attempts at colonization, Europeans had no recorded contact with Indians in the southeast for nearly a century. The term protohistory is sometimes used for this period. What happened during this time is uncertain, but the territory of the former Coosa and Chiska nations seems to have been dominated by the Cherokee. The members of the former groups were either assimilated by the

larger Cherokee nation, or altered the names of their tribes and moved elsewhere. Since historic documentation is generally lacking, Cherokee prehistory and protohistory have been studied via oral tradition, linguistic analysis, and archaeology.

Heckewelder in 1819 recounted a Lenape tradition that the regions south of the Ohio River had once been occupied by a former nation called *Alligewi* or *Talligewi*, which some theories assume derives from *Tsalagi*. Others have connected them with early references to a Cherokee legend of a 'moon-eyed' race who had been in their land before them.

Iroquois called the Cherokee *Oyata'ge'ronoñ* (inhabitants of the cave country) (Hewitt). Allegheny Mountain's Mingo called the Upper-most Cherokee, *Uyata'kéá'*, the "cave" kind, implying steep hollow (Lachler, McElwain).<sup>[9]</sup> The word "Cherokee" may have originally been derived from the Choctaw trade language word *Cha-la-kee*, which means "those who live in the mountains" – or (also Choctaw) *Chi-luk-ik-bi* meaning "those who live in the cave country".<sup>[10]</sup>

## English contact (1654)



These Cherokee accompanied Sir Alexander Cuming to England in 1730.

According to James Mooney, the English first had contact with the Cherokee in 1654. Around this time, the Powhatan were threatened by a tribe they knew as the *Rickahockans* or *Rechahecrians*, who invaded from the west and settled near the falls of the James River. While some scholars have linked these references to the Cherokee, others deduce they were a Siouan tribe, since they appeared in company with Monacan and Nahyssan groups.

One of the earliest English accounts comes from the expedition of James Needham and Gabriel Arthur, sent in 1673 by fur-trader Abraham Wood from Fort Henry (modern Petersburg, Virginia) to the Overhill Cherokee country. Wood hoped to forge a direct trading connection with the Cherokee to bypass the Occaneechi

Indians, who were serving as middlemen on the Trading Path. The two colonial Virginians did make contact with the Cherokee, although Needham was killed on the return journey and Arthur was almost killed. By the late seventeenth century, colonial traders from both Virginia and South Carolina were making regular journeys to Cherokee lands, but few wrote about their experiences.

The character and events of the early trading contact period have been pieced together by historians' examination of records of colonial laws and lawsuits involving traders. The trade was mainly deerskins, raw material for the booming European leather industry, in exchange for European technology "trade goods", such as iron and steel tools (kettles, knives, etc), firearms, gunpowder, and ammunition. In 1705, traders complained that their business had been lost and replaced by Indian slave trade instigated by Governor Moore of South Carolina. Moore had commissioned people to "set upon, assault, kill, destroy, and take captive as many Indians as possible". When the captives were sold, traders split profits with the Governor.<sup>[11]</sup> Although colonial governments early prohibited selling alcohol to Indians, traders commonly used rum, and later whiskey, as common items of trade.<sup>[12]</sup>

During the early historic era, Europeans wrote of several Cherokee town groups, usually using the terms Lower, Middle, and Overhill towns to designate the towns, from the Piedmont across the Allegheny Mountains. The Lower Towns were situated on the headwater streams of the Savannah River, mainly in present-day western South Carolina and northeastern Georgia. *Keowee* was one of the chief towns, as was *Tugaloo*.

The Middle Towns were located in present western North Carolina, on the headwater streams of the Tennessee River, such as the upper Little Tennessee River, upper Hiwassee River, and upper French Broad River. Among several chief towns were *Nikwasi* and *Joara*, first recorded in the late 16th century during Spanish settlement there with the establishment of Fort San Juan.



Extent of original Cherokee habitations

The Overhill Towns were located across the higher mountains in present eastern Tennessee and northwestern Georgia. Principal towns included *Chota*, *Tellico*, and *Tanasi*. These terms were created and used by Europeans to describe their changing geopolitical relationship with the Cherokee.<sup>[6]</sup>

There were two more groups of towns often listed as part of the three: the Out Towns, whose chief town was *Kituwa* on the Tuckaseegee River, considered the mother town of all Cherokee; and the Valley Towns, whose chief town was *Tomotley* on the Valley River (not the same as the Tomotley on the Little Tennessee River). The former shared the dialect of the Middle Towns and the latter that of the Overhill (later Upper) Towns.

## Early 18th century

Of the southeastern Indian confederacies of the late seventeenth and early eighteenth centuries (Creek, Chickasaw, Choctaw, etc.), the Cherokee were one of the most populous and powerful. They were relatively isolated by their hilly and mountainous homeland. A small-scale trading system was established with Virginia in the late seventeenth century. In the 1690s, the Cherokee had founded a much stronger and important trade relationship with the colony of South Carolina, based in Charles Town. By the 1700s, this overshadowed the Virginia relationship.<sup>[13]</sup>

## War of the Cherokee and Chickasaw with the Shawnee (1710)

Around 1710, the Cherokee and the Chickasaw forced their joint enemy, the Shawnee, north of the Ohio River.<sup>[14]</sup> In the 1660s, the Cherokee had allowed a refugee group of the Shawnee to settle in the Cumberland Basin when they were fleeing the Iroquois during the Beaver Wars. The Shawnee also acted as a buffer against the Cherokees' traditional Chickasaw enemies.

The Cherokee allowed another group of Shawnee to pass through their territory to settle on the Savannah River, where they would be a buffer against the Catawba. Over time, more Shawnee came into the area and began to attract the attention of the Iroquois. In addition, they were allied with the French. The British-allied Cherokee and Chickasaw finally decided to act in concert to expel the Shawnees. The conflict lasted 1710-1715. Sporadic warfare continued until 1768 when a peace was forged between the Shawnee and Cherokee.

## Tuscarora War

Except for some trading contact, the Cherokee remained relatively unaffected by the presence of European colonists in America until the *Tuscarora War* and its aftermath. In 1711, the Tuscarora began attacking colonists in North Carolina after diplomatic attempts to address various grievances failed. The governor of North Carolina asked South Carolina for military aid. Before the war was over several years later, South Carolina had mustered and sent two armies against the Tuscarora. The ranks of both armies were made up mostly of Indians, with Yamasee troops especially.

The first army, under the command of John Barnwell, campaigned in North Carolina in 1712. By the end of the year, a fragile peace had been established, and the army dispersed. No Cherokee were involved in the first army. Hostilities between the Tuscarora and North Carolina broke out soon after.

In late 1712 to early 1713, a second army from South Carolina fought the Tuscarora. This army consisted of about 100 British and over 700 Indian soldiers. As with the first army, the second depended heavily on the Yamasee and Catawba. This time, however, hundreds of Cherokee also joined the army. The army's campaign ended after a major Tuscarora defeat at Hancock's Fort. All told, over 1,000 Tuscarora and allied Indians were killed or captured. Those captured were mainly sold into the Indian slave trade. Although the second army from South Carolina disbanded soon after the battle, the Tuscarora War continued for several years. Some previously neutral Tuscarora turned hostile, and the Iroquois confederacy entered the dispute. In the end a large number of Tuscarora moved north to live among the Iroquois.

The Tuscarora War altered the geopolitical context of colonial America in several ways, including an increased Iroquois interest in the south. For the many southeastern Indians involved, it was the first time so many had collaborated in a military campaign. It was also the first time they saw how different the various English colonies were. As a result, the war helped to bind the Indians of the entire region together. It enhanced Indian networks of communication and trade. The Cherokee became much more closely integrated with the region's various Indians and Europeans. The Tuscarora War marked the beginning of an English-Cherokee relationship that, despite breaking down on occasion, remained strong for much of the 18th century.

## Destruction of Chestowee

The Tuscarora War also marked the rise of Cherokee military power, demonstrated in the 1714 attack and destruction of the Yuchi town of Chestowee (in today's Bradley County, Tennessee). The English traders Alexander Long and Eleazer Wiggan instigated the attack through various deceptions and promises, although there had been a pre-existing conflict between the Cherokee and Yuchi. The traders' plot was based in the Cherokee town of Euphase (Great Hiwassee). It mainly involved Cherokee from that town. In May 1714, the Cherokee destroyed the Yuchi town of Chestowee. Inhabitants not killed or captured fled to the Creek or the Savannah River Yuchi. Long and Wiggan told the Cherokee that the South Carolina government wished for and approved this attack, which was not true. The governor of South Carolina, having heard of the plot, sent a messenger to tell the Cherokee not to continue the attack on Yuchi. The messenger arrived too late to save Chestowee. The Cherokee attack on the Yuchi ended with Chestowee, but it was enough to catch the attention of every Indian tribe and European colony in the region. Thus, around 1715, the Cherokee emerged as a major regional power.<sup>[13]</sup>

## Yamasee War

In 1715, just as the Tuscarora War was winding down, the **Yamasee War** broke out. Numerous Indian tribes launched attacks on South Carolina. The Cherokee participated in some of the attacks, but were divided on what course to take. After South Carolina's militia succeeded in driving off the Yamasee and Catawba, the Cherokee's position became strategically pivotal. Both South Carolina and the Lower Creek tried to gain Cherokee support. Some Cherokee favored an alliance with South Carolina and war on the Creek, while others favored the opposite.

The impasse was resolved in January 1716, when a delegation of Creek leaders was murdered at the Cherokee town of Tugaloo. Subsequently, the Cherokee launched attacks against the Creek. In 1717, peace treaties between South Carolina and the Creek were completed, undermining the Cherokee's commitment to war. Hostility and sporadic raids between the Cherokee and Creek continued for decades.<sup>[15]</sup> These raids came to a head at the Battle of Taliwa in 1755, present-day Ball Ground, Georgia, with the defeat of the Muscogee; the latter had, however, withdrawn most of their towns from what is now North Georgia to leave a buffer zone between themselves and the Cherokee.

In 1721, the Cherokee made their first land cession to the British, selling the South Carolina colony a small strip of land between the Saluda, Santee and Edisto rivers. In 1730, at Nikwasi, Moytoy of Tellico was chosen as "Emperor" by the elders of the principal Cherokee towns at the behest of Sir Alexander Cumming, who wished to use this to gain control over the Cherokee. Moytoy agreed to recognize King George II of Great Britain as the Cherokee protector. Seven prominent Cherokee, including Attakullakulla, traveled with Sir Alexander Cumming back to England. The Cherokee delegation stayed in London for four months. The visit culminated in a formal treaty of alliance between the British and Cherokee, the 1730 Treaty of Whitehall. While the journey to London and the treaty were important factors in future British-Cherokee relations, the title of Cherokee Emperor did not carry much clout among the Cherokee. Although Moytoy's son Amouskosette attempted to succeed him as "Emperor" in 1741, the power in the Overhill country had shifted to Tanasi, then to Chota.

The unification of the Cherokee nation was essentially ceremonial, with political authority remaining town-based for decades afterward. In addition, Sir Alexander Cumming's aspirations to play an important role in Cherokee affairs failed.<sup>[16]</sup> In 1735 the Cherokee were estimated to have sixty-four towns and villages and 6000 fighting men. In 1738 - 39 smallpox was introduced to the country via sailors and slaves from the slave trade. An epidemic broke out among the Cherokee, who had no natural immunity. Nearly half their population died within a year. Hundreds of other Cherokee committed suicide due to disfigurement from the disease.

## War with the Muscogee

This conflict between the Cherokee and the Muscogee was over disputed hunting grounds in what is now North Georgia, lasting from 1753-1755. It culminated in victory for the Cherokee after the Battle of Taliwa.

## Anglo-Cherokee War (1760)

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Upon hearing reports that the French were planning to build forts in Cherokee territory (as they had with Ft.



A commander of Fort Patrick Henry sent Henry Timberlake as a token of friendship after the Anglo-Cherokee War. Timberlake later takes three Cherokee to London, 1765.

Charleville at the Great Salt Lick now Nashville, Tennessee), the British hastened to build forts of their own, completing Fort Prince George near Keowee (in South Carolina) among the Lower Towns, and in 1756, Fort Loudoun near **Chota**. In this year the Cherokee gave their assistance to the British in the French and Indian War; however, serious misunderstandings between the two allies arose quickly. In 1760, the Cherokee besieged both forts, eventually capturing Fort Loudoun. The British retaliated by destroying 15 Cherokee communities in 1761, and peace treaties ending hostilities were signed by the end of the year. A Royal Proclamation of 1763 from King George III forbade British settlements west of the Appalachian crest, attempting to afford some temporary protection from encroachment to the Cherokee, but it proved difficult to enforce<sup>[17]</sup>.

The Cherokee and Chickasaw continued to war intermittently with the Shawnee along the Cumberland River for many years; the Shawnee allied with the Lenape, who remained at war with the Cherokee until 1768.

## War with the Chickasaw

After their success against the Muscogee, the Cherokee turned their attention west, to the hunting grounds of the Chickasaw in what is now northeast Alabama from 1758 to 1769. After eleven years of intermittent warfare, they were defeated at the Battle of Chickasaw Old Fields.

## Watauga Association

Following the Battle of Alamance in 1771, which brought their Regulator movement to an end, many North Carolinians refused to take the new oath of allegiance to the Royal Crown and withdrew from the province. One of these, James Robertson, led a group of some twelve or thirteen Regulator families from near where present day Raleigh, North Carolina now stands into the west. Believing they were in the territorial limits of the colony of Virginia, they settled on the banks of the Watauga River. After a survey proved their mistake, Deputy Superintendent Cameron ordered them to leave. However, certain Cherokee leaders in the region interceded on their behalf, and they were allowed to remain, provided there was no further encroachment.

In 1772, Robertson and the pioneers who had eventually settled in Northeast Tennessee (along the Watauga, the Doe, the Holston, and the Nolichucky Rivers) met at Sycamore Shoals to establish an independent regional government known as the Watauga Association.<sup>[18]</sup>

The Cherokee would soon come to regret their generosity, because these settlements and branches on the Cumberland River were to become the bane of their existence.

## Transylvania Purchase

In response to the first attempt by Daniel Boone and his party to establish a settlement inside the hunting grounds of Kentucky, the Shawnee, Lenape (Delaware), Mingo, and some Cherokee attacked a scouting and forage party that included Boone's son. This sparked the beginning of what was known as Dunmore's War (1773–1774), named after the governor of the Virginia colony at the time.

One year later at Sycamore Shoals, in 1775, a group of North Carolina speculators led by Rihcard Henderson negotiated the Treaty of Watauga with Overhill Cherokee leaders, chief of whom were Oconostota and Attakullakulla, in which the Cherokee surrendered claim to the Kain-tuck-ee (*Ganda'gi*) lands and supposedly gave the Transylvania Land Company ownership. This treaty disregarded the claims to the region by other tribes such as the Shawnee and Chickasaw.

Dragging Canoe, chief of Great Island Town (*Amoyeli Egwa*) and son of Attakullakulla, refused to go along with the deal. He told the North Carolina men, "You have bought a fair land, but there is a cloud hanging over it; you will find its settlement dark and bloody".<sup>[19]</sup> The governors of Virginia and North Carolina repudiated the Watauga treaty, and Henderson had to flee to avoid arrest.

## Second Cherokee War

The year after the beginning of the American Revolution, the Shawnee chief Cornstalk led a delegation from the northern tribes to the southern tribes and met with the Cherokee leaders at Chota, calling for united action against those they called the Long Knives. At the close of his speech, he offered his war belt, and Dragging Canoe (*Tsiyugunisini*) accepted it, along with Abraham of Chilhowee (*Tsulawiyi*). Dragging Canoe of Great Island also accepted belts from the Ottawa and the Iroquois, while Savanukah, the Raven of Chota, accepted the belt from the Lenape.

The Middle Towns were to attack South Carolina, the Lower Towns Georgia, and the Overhill Towns Virginia and North Carolina. The Overhill Cherokee offensive proved to be disastrous for the attackers, however, because the settlers had been warned by the Beloved Woman (the female equivalent of Beloved Man, or chief) Nancy Ward, particularly those under Dragging Canoe going up against the Holston settlements. Abraham of Chilhowee was likewise unsuccessful in his attempt to take Fort Watauga, and Savanukah did no real military damage. After the failed raids, Dragging Canoe led his warriors to South Carolina to join in the attack of the the Lower Towns.

In response, North Carolina sent 2400 militia to scour the Middle Towns while South Carolina and Georgia sent 2000 men to attack the Lower Towns. In all, they destroyed more than fifty towns, burned their houses and food, destroyed their orchards, slaughtered livestock, and killed hundreds, as well as put survivors on the slave auction block. In the meantime, Virginia sent a large force and North Carolina volunteers to the Overhill Towns. By this time, Dragging Canoe had returned with his warriors and calling for them to burn their own towns, send the women, children, and old below the Hiwassie, and ambush the Virginians at the French Broad River. Oconostota advocated making peace at any price and the rest of the older chiefs agreed.



Tah-Chee (Dutch), A Cherokee Chief, 1837, Smithsonian American Art Museum

Dragging Canoe gathered those of like mind and migrated southwest, even as those from the Lower Towns poured into North Georgia. The Virginia force found Great Island, Citico (*Sitiku*), Toqua (*Dakwa*), Tuskegee (*Taskigi*), and Great Tellico deserted, with only the older leaders who had opposed the younger ones and their war remaining. Christian, commander of the Virginia force, limited the reprisal in the Overhill Towns to the burning of the deserted towns.

The next year, 1777, the Cherokee in the Hill, Valley, Lower, and Overhill towns signed the **Treaty of Dewitt's Corner** with Georgia and South Carolina and the **Treaty of Fort Henry** with Virginia and North Carolina agreeing to stop warring and ceding the lands of the Lower Towns, with those colonies promising in return to protect them from attack, a promise that was ephemeral at best.

## Chickamauga wars



Cól-lee, a Band Chief, painted by George Catlin, 1834.

The area to which Dragging Canoe and his band migrated was in what is now the region of Chattanooga, Tennessee, and here they set established eleven new towns, four of which bore names of towns on the Little Tennessee: Toqua, Citico, Tuskegee, and even Chota. He himself made his headquarters in the town called Chickamauga, which lent its name to the entire surrounding area, for which reason the frontiersmen and colonists called his band the "Chickamauga" or the "Chickamauga Cherokee", though they were never a separate tribe. From here Dragging Canoe began a guerrilla war that lasted nearly two decades and terrorized the entire western frontier from the edge of the Muscogee nation north to the Ohio River and east into Virginia, North Carolina, and South Carolina, as well as Georgia.

Because of the activities of the Chickamauga Cherokee, the frontiersmen, and sometimes the colonies and later states, launched punitive raids against the Cherokee, usually against the Overhill

Towns. However, large forces invaded the Chickamauga area in 1777 and destroyed all eleven towns. After that occurred again in 1782, Dragging Canoe and his people shifted west and southwest yet again, this time to what became known as the Five Lower Towns (though they later number much more than five), which were west of the edge of the Cumberland Mountains and below the series of navigation hazards in the Tennessee River Gorge. Due to their new location, and additions of population from the understandably unhappy Lower Towns people, he and his people began to be referred from this point as the "Lower Cherokee". Their headquarters area was never invaded again until the final year of the wars.

It was about this time that Dragging Canoe, now based out of Running Water Town (*Amogayunyi*, at the current Whiteside, Tennessee), began to work extensively in cooperation the Upper Muscogee, often as separate forces but sometimes coming together for large operations. The Shawnee and other northern tribes were allies already, the Shawnee even sending warriors to fight with those of his band; the noted war leader Chiksika and his younger brother Tecumseh were among one of the Shawnee war parties who did so, staying for nearly two years. The Cherokee, of course, responded in kind and sent warriors north.

Just as Dragging Canoe and those of like mind among the other tribes of the South were coming



together in a coalition to fight the Americans with the help of the British, the Treaty of Paris was signed in 1783. Dragging Canoe simply travelled south to Pensacola and obtained the support of the Spanish of West Florida to continue his war, still maintaining relations with the British governor at Detroit.

In 1788, the murder of Old Tassel, the headman of the Overhill Cherokee and principal chief of the Cherokee nation, along with several other pacifist chiefs while on an embassy to the State of Franklin and the invitation of the latter enraged the whole Cherokee nation. More joined the Chickamauga Cherokee in their raids or carried out ones of their own than ever before. In response, Franklin sent out a large force to invade the Five Lower Towns, but this was soundly defeated at the foot of Lookout Mountain. Dragging Canoe raised an army of Cherokee and Muscogee that numbered over three thousand, which split into warbands, some of which were hundreds strong.

Four more years of frontier warfare later, Dragging Canoe came back to his home after a long diplomatic trip which saw the Lower Muscogee and Choctaw accepting his invitation to join the war, but rejection from the Chickasaw. At a huge dance at Lookout Mountain Town (*Atalidandagamuyi*; now Trenton, Georgia) celebrating his diplomatic successes as well as those of a recent raid by The Glass and his brother Turtle-at-Home on the Cumberland River and into Kentucky. The next morning, Dragging Canoe was dead.

He was succeeded as principal leader of the Lower Cherokee by the nephew of Old Tassel, John Watts, with the assistance of Bloody Fellow and Doublehead. One of the first things Watts did was renew the alliance with Spain through West Florida and shifted his headquarters to Willstown (now Fort Payne, Alabama). The next year, though, he sent a delegation to Knoxville, then capital of the Southwest Territory, to seek terms of peace, the delegation, which included his deputy Doublehead, was attacked. Watts answered this by raising the largest single native force seen on the frontier to date, one single army of over one thousand Cherokee, Muscogee, and Shawnee. They were thwarted in their intentions on Knoxville but did destroy several smaller settlements on the way, one of which, at Cavett's Station, set in motion rivalries that would dominate Cherokee affairs into the 19th century.

In autumn the next year, 1794, General Robertson, military commander of the Mero District (as the Cumberland River settlements were then called) in the Southwest Territory received word that the Lower Cherokee and the Muscogee were planning large-scale attacks on his region. He sent a large force of U.S. army regulars, Mero District militia, and Kentucky volunteers south. The force attacked Nickajack, one of the Five Lower Towns, without warning, destroying it completely, then proceeded to Running Water and destroying it as well. Fortunately for the Cherokee, the greater part of the populations of those two towns was at a stickball play several miles to the south at Crow Town.

That incident, combined with the defeat that summer of the army of their northern allies under Blue Jacket of the Shawnee and Little Turtle of the Miami, convinced Watts and his fellow war leaders that the end of the wars was inevitable. The **Treaty of Tellico Blockhouse** was signed 7 November 1794, ending the Chickamauga wars.

## After the wars<sup>[20][21]</sup>

Following the peace treaty, the leaders of the Lower Cherokee were dominant in national affairs. When the national government of all the Cherokee was organized, the first three persons to hold the office of Principal Chief - Little Turkey (1788-1801), Black Fox (1801-1811), and Pathkiller (1811-1827) - had previously served as warriors under Dragging Canoe, as had the first two Speakers of the National

Council, established in 1794, Doublehead and Turtle-at-Home.

The Lower Cherokee had their seat at Willstown, known as the Lower Towns. In addition to those mentioned above, the former warriors such as Bloody Fellow, The Glass, and Dick Justice of the Lower Towns dominated the political affairs of the Nation for the next twenty years and were in many ways more conservative, adopting many facets of acculturation but keeping as many of the old ways as possible.

Roughly speaking, the Lower Towns were south of the Hiwassee River along the Tennessee down to the north border of the Muscogee nation and west of the Conasauga and Ustanali in Georgia while the Upper Towns were north and east of the same and between the Chattahoochee and Conasauga.

The seat of the Upper Towns was at Ustanali (near Calhoun, Georgia), also the titular seat of the Nation, and with the former warriors James Vann and his proteges The Ridge (formerly known as Pathkiller) and Charles R. Hicks, the "Cherokee Triumvirate", as their dominant leaders, particularly of the younger more acculturated generation. The leaders of these towns were the most progressive, favoring acculturation, formal education, and modern methods of farming.

The settlements of the Cherokee remaining in the highlands of western North Carolina which had become known as the Hill Towns, with their seat at Quallatown, and the lowland Valley Towns, with their seat now at Tuskiquitee, were more traditional, as was the Upper Town of Etowah, notable for being inhabited mostly by full-bloods and for being the largest town in the Nation.

When pressure began to be applied to the Cherokee Nation for its members to emigrate westward across the Mississippi, leaders of the Lower Cherokee were the first to lead parties away for good. Likewise, the remaining leaders of the Lower Towns (those mentioned above, Young Dragging Canoe, Sequoyah (George Guess), others) proved to be the strongest advocates of that course of action. The domination of the former warriors over the external affairs of the Nation lasted until a revolt of the young chiefs in the Upper Towns in 1808 temporarily unseated Black Fox, The Glass, and others until the reunification council at Willstown the next year, abolishing separate regional councils.

## Removal era (1800)

In 1815—after the War of 1812, the U.S. Government established a Cherokee Reservation in Arkansas. The reservation boundaries extended from north of the Arkansas River to the southern bank of the White River. Cherokee bands who lived in Arkansas were: The Bowl, Sequoyah, Spring Frog and Tatsi, or Dutch. Another band of Cherokee lived in southeast Missouri, western Kentucky and Tennessee in frontier settlements and in European majority communities around the Mississippi River.



John Ross was an important figure in the history of the Cherokee tribe. His father emigrated from Scotland prior to the Revolutionary War; his mother was a quarter-blood Cherokee woman whose father was also from Scotland. John Ross began his public career in 1809. The Cherokee Nation was founded in 1820, with elected public officials. John Ross became the chief of the tribe in 1828 and remained the chief until his death in 1866.

## Trail of Tears

1840

Cherokees were displaced from their ancestral lands in northern Georgia and the Carolinas in a period of rapidly expanding white population. Some of the rapid expansion was due to a gold rush around Dahlonega, Georgia in the 1830s. Various official reasons for the removal were given. One official argument was that the Cherokee were not efficiently using their land and the land should be given to white farmers. Others suggest that President Andrew Jackson's reasons for this removal policy were humanitarian. Jackson said that the policy was an effort to prevent the Cherokee from facing the fate of "the Mohegan, the Narragansett, and the Delaware".<sup>[22]</sup> However there is ample evidence that the Cherokee were adapting modern farming techniques, and a modern analysis shows that the area was in general in a state of economic surplus.<sup>[23]</sup>

The Cherokee were to bring their grievances to U.S. judicial review that set a precedent in Indian Country. In June 1830, a delegation of Cherokee led by John Ross defended Cherokee rights before the U.S. Supreme Court in the *Cherokee Nation v. Georgia* case. In the case *Worcester v. Georgia*, the United States Supreme Court held that Cherokee Native Americans were entitled to federal protection from the actions of state governments which would infringe on the tribe's sovereignty. *Worcester v. Georgia* is considered one of the most important decisions in law dealing with Native Americans.

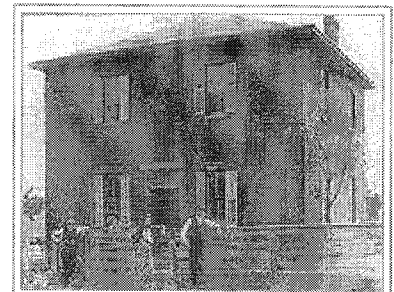
Despite the *Worcester v. Georgia* ruling in their favor, nearly all those in the Cherokee Nation were forcibly relocated westward to the Ozark Plateau in 1838-1839, a migration known as the Trail of Tears or in Cherokee *Nunna Daul Tsunnya* (Cherokee: The Trail Where They Cried) and by another term *Tlo Va Sa* (Cherokee: The Tragedy). This took place during the Indian Removal Act of 1830, although as of 1838, the Cherokee were the last large southern Indian tribe to be removed. Even so, the harsh treatment the Cherokee received at the hands of white settlers caused some to enroll to emigrate west.<sup>[24]</sup> As the Cherokee were slaveholders, they took enslaved African Americans with them west of the Mississippi.

### Ridge opposition

Among the Cherokee, John Ross led the battle to halt their removal. The position of Ross' supporter, commonly referred to as the "National Party", was in opposition to a group known as the "Ridge Party" or the "Treaty Party". The latter was in reference to those who advocated a treaty for terms of emigration to the west, which ultimately led to the Treaty of New Echota, stipulating terms and conditions for the removal of the Cherokee Nation from the lands it then occupied to take up residence in Indian Territory along with their cousins of the Cherokee Nation West (aka "Old Settlers"), which was initially signed by Major Ridge, Elias Boudinot, James Foster, Testaesky, Charles Moore, George Chambers, Tahyeske, Archilla Smith, Andrew Ross (Principal Chief Ross' brother), William Lassley, Caetehee, Tegaheske, Robert Rogers, John Gunter, John A. Bell, Charles Foreman, William Rogers, George W. Adair, James Starr, and Jesse Halfbreed, then later in Washington City by John Ridge and Stand Watie.

On June 22, 1839, Major Ridge, John Ridge and Elias Boudinot were assassinated by a party of twenty-five extremist Ross supporters that included Daniel Colston, John Vann, Archibald Spear, James Spear, Joseph Spear, Hunter, and others. Stand Watie fought off the attempt on his life that day and escaped to Arkansas.

After the end of the American Civil War in 1865, John Ridge's son, novelist John Rollin Ridge, led a group of delegates to Washington, D.C. at the behest of Principal Chief of the Confederate Cherokee



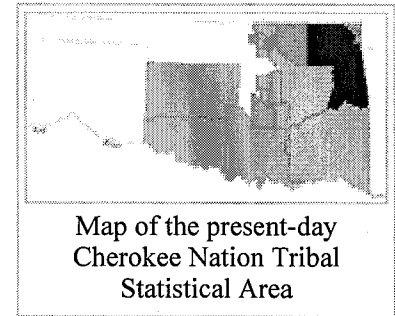
Cherokee Nation Courthouse

Stand Watie in a failed attempt to gain federal recognition for a faction of Cherokee opposed to the leadership of John Ross who wanted to establish a "Southern Cherokee Nation". The federal government signed a treaty with Ross' delegation instead, and the afore-mentioned entity never came into being, and all the former Confederate Cherokee eventually rejoined the Cherokee Nation.<sup>[25]</sup>

in Tahlequah, Oklahoma, mid-19th century

## Separation

Not all of the eastern Cherokees were removed on the Trail of Tears. William Holland Thomas, a white store owner and state legislator from Jackson County, North Carolina, helped over 600 Cherokee from Qualla Town (the site of modern-day Cherokee, North Carolina) obtain North Carolina citizenship. As citizens, they were exempt from forced removal to the west. In addition, over 400 other Cherokee either hid from Federal troops in the remote Snowbird Mountains of neighboring Graham County, North Carolina, under the leadership of Tsali (□□)<sup>[26]</sup> (the subject of the outdoor drama *Unto These Hills* held in Cherokee, North Carolina), or belonged to in the former Valley Towns area around the Cheoah River who negotiated staying in North Carolina with that state's government. In addition, another 400 hundred or so Cherokee stayed on reserves in Southeast Tennessee, North Georgia, and Northeast Alabama, as citizens of their respective states, mostly mixed-bloods and Cherokee women married to white men. Together, these groups were the basis for what is now known as the Eastern Band of Cherokees.



## In the American Civil War

Out of gratitude to Thomas, these Western North Carolina Cherokees served in the American Civil War as part of what became known as the Thomas Legion of Cherokee Indians and Highlanders. Thomas's Legion consisted of infantry, cavalry, and artillery. The legion mustered approximately 2,000 men of both Cherokee and white origin, fighting on behalf of the Confederacy, primarily in Virginia, where their battle record was outstanding.<sup>[27]</sup> Thomas's Legion, along with the Western District of North Carolina under Brigadier General John Echols (of which it was the only effective unit) surrendered after capturing Waynesville, North Carolina on May 9, 1865, after learning of Lee's surrender at Appomattox Court House (the decision was made by Brig. Gen. Echols, the senior commander; Thomas wanted to keep fighting). They agreed to cease hostilities on the condition of being allowed to retain their arms for hunting. Brig. Gen. Stand Watie, commanding officer of the First Indian Brigade of the Army of the Trans-Mississippi as well as Principal Chief of the Confederate Cherokee, demobilized his forces under a cease-fire agreement with the Union commander at Fort Towson (which was within in the territory Choctaw Nation) on July 23, 1865.

As in southern states, the end of the Civil War brought freedom to enslaved African Americans. By an 1866 treaty with the US government, the Cherokee agreed to grant tribal citizenship to freedmen who had been held by them as slaves. Both before and after the Civil War, some Cherokee intermarried or had relationships with African Americans, just as they had with whites. Many Cherokee Freedmen were active politically within the tribe.

In Oklahoma, the Dawes Act of 1887 broke up the tribal land base. Under the Curtis Act of 1898,

## 20th century

## Customs and ceremonies

In Indian Territory, marriage between Cherokees and non-Cherokees was complicated on both sides. A white US man could legally marry a Cherokee woman by petitioning the federal court with approval of ten of her blood relatives.

If a white woman married a Cherokee man, however, the man was cut off from the tribe and no longer considered a member and citizen of its nation. Such marriages were much less frequent than between Cherokee women and white men.



An early 20th Century photo of a traditional Cherokee stickball player.

## Language and writing system

The Cherokee speak an Iroquoian language which is polysynthetic and is written in a syllabary invented by Sequoyah (□□□□). For years, many people wrote transliterated Cherokee or used poorly intercompatible fonts to type out the syllabary. However, since the fairly recent addition of the Cherokee syllables to Unicode, the Cherokee language is experiencing a renaissance in its use on the Internet. As of January 2007, however, the Cherokee Nation officially uses a non-unicode font for online documents, including online editions of the *Cherokee Phoenix*.

GWY

**This article contains Cherokee syllabic characters.** Without proper rendering support, you may see question marks, boxes, or other symbols instead of Cherokee syllabics.

[illegible]

The Cherokee language does not contain any "r" based sounds. The word "Cherokee", when spoken in the language, is expressed as Tsa-la-gi (pronounced Jah-la-gee, or Je-la-gee) by native speakers, since these sounds most closely resemble the English language.

A southern Cherokee group did speak a local dialect with a trill consonant "r" sound. This "r" sound spoken in the dialect of the Elati, or Lower, Cherokee area – Georgia and Alabama – became extinct in

the 19th century around the time of the Indian removal by the Trail of Tears; examples are Tsaragi or Tse-La-gee. The ancient Ani-kutani (□□□□□) dialect and Oklahoma dialects do not contain any 'r'-based sounds.

Because of the polysynthetic nature of the Cherokee Language, new and descriptive words in Cherokee are easily constructed to reflect or express modern concepts. Some good examples are *di-ti-yo-hi-hi* (Cherokee:□□□□□) which means "he argues repeatedly and on purpose with a purpose". This is the Cherokee word for *attorney*. Another example is *di-da-ni-yi-s-gi* (Cherokee:□□□□□□) which means "the final catcher" or "he catches them finally and conclusively". This is the Cherokee word for *policeman*.

Many words, however, have been borrowed from the English Language, such as *gasoline* which in Cherokee is *ga-so-li-ne* (Cherokee:□□□□). Many other words were borrowed from the languages of tribes who settled in Oklahoma in the early twentieth century. One example relates to a town in Oklahoma named "Nowata". The word *nowata* is a Delaware Indian word for "welcome" (more precisely the Delaware word is *nu-wi-ta* which can mean "welcome" or "friend" in the Delaware Language). The white settlers of the area used the name "nowata" for the township, and local Cherokees, being unaware the word had its origins in the Delaware Language, called the town *a-ma-di-ka-ni-gv-na-gv-na* (Cherokee:□□□□□□□□□) which means "the water is all gone from here", i.e. "no water".

Other examples of borrowed words are *ka-wi* (Cherokee:□□) for *coffee* and *wa-tsi* (Cherokee:□□) for *watch* (which led to *u-ta-na wa-tsi* (Cherokee:□□□ □□) or "big watch" for *clock*).



## Language drift

There are two main dialects in Cherokee spoken by modern speakers: the Giduwa or Kituhwa dialect (Eastern Band) and the Otali Dialect (also called the Overhill dialect) spoken in Oklahoma. The Otali dialect has drifted significantly from Sequoyah's Syllabary in the past 150 years, and many contracted and borrowed words have been adopted into the language. These noun and verb roots in Cherokee, however, can still be mapped to Sequoyah's Syllabary. In modern times, there are more than 85 syllables in use by modern Cherokee speakers. Modern Cherokee speakers who speak Otali employ 122 distinct syllables in Oklahoma.

## Treaties and government

### Treaties

see Historic treaties of the Cherokee Nation

### Government

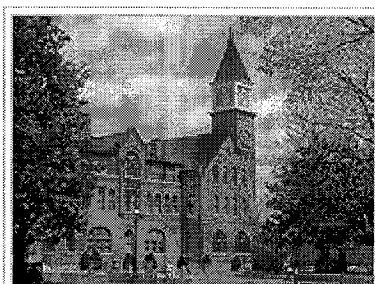
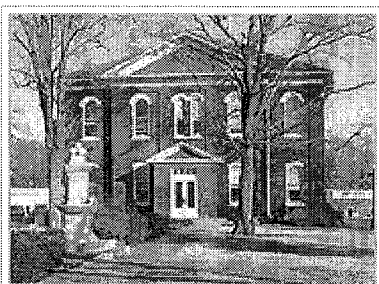
1794	Establishment of the Cherokee National Council and officers over the whole nation
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1808	Establishment of the Cherokee Lighthorse Guard, a national police force
1809	Establishment of the National Committee
1810	End of separate regional councils and abolition of blood vengeance
1820	Establishment of courts in eight districts to handle civil disputes
1822	Cherokee Supreme Court established
1823	National Committee given power to review acts of the National Council
1827	Constitution of the Cherokee Nation East
1828	Constitution of the Cherokee Nation West
1832	Suspension of elections in the Cherokee Nation East
1839	Constitution of the reunited Cherokee Nation
1868	Constitution of the Eastern Band of Cherokee Indians
1888	Charter of Incorporation issued by the State of North Carolina to the Eastern Band
1950	Constitution and federal charter of the United Keetoowah Band of Cherokee Indians
1975	Constitution of the Cherokee Nation of Oklahoma
1999	Constitution of the Cherokee Nation drafted <sup>[28]</sup>

After being ravaged by smallpox, and pressed by increasingly violent land-hungry settlers, the Cherokee adopted a whiteman's form of government in an effort to retain their lands. They established a governmental system modeled on that of the United States, with an elected principal chief, senate, and house of representatives. On April 10, 1810 the seven Cherokee clans met and began the abolition of blood vengeance by giving the sacred duty to the new Cherokee National government. Clans formally relinquished judicial responsibilities by the 1820s when the Cherokee Supreme Court was established. In 1825, the National Council extended citizenship to the children of Cherokee men married to white women. These ideas were largely incorporated into the 1827 Cherokee constitution.<sup>[29]</sup> The constitution stated that "No person who is of negro or mulatto [sic] parentage, either by the father or mother side, shall be eligible to hold any office of profit, honor or trust under this Government," with an exception for, "negroes and descendants of white and Indian men by negro women who may have been set free."<sup>[30]</sup> This definition to limit rights of multiracial descendants, may have been more widely held among the elite than the general population.<sup>[31]</sup>

## Modern Cherokee tribes

### Cherokee Nation<sup>[32][33][34]</sup>



During 1898-1906 the federal government dissolved the former Cherokee Nation, to make way for the incorporation of Indian Territory into the new state of Oklahoma. From 1906 to 1975, structure and function of the tribal government were not clearly defined, but in 1975-76 the

Cherokee Nation Historic  
Courthouse in Tahlequah,  
Oklahoma.

The Cherokee Female  
Seminary was built in 1889 by  
the Oklahoma Cherokees.

tribe wrote a constitution as "The Cherokee Nation of Oklahoma",<sup>[35]</sup> and received federal recognition. In 1999, the CNO changed or added several provisions to its constitution,

among them the designation of the tribe to be "Cherokee Nation", dropping "of Oklahoma".

The modern Cherokee Nation, in recent times, has experienced an almost unprecedented expansion in economic growth, equality, and prosperity for its citizens. The Cherokee Nation (often still referred to colloquially by the initials CNO), under the leadership of Principal Chief Chad Smith, has significant business, corporate, real estate, and agricultural interests, including numerous highly profitable casino operations. The CNO controls Cherokee Nation Enterprises, Cherokee Nation Industries, and Cherokee Nation Businesses. CNI is a very large defense contractor that creates thousands of jobs in eastern Oklahoma for Cherokee citizens.

The CNO has constructed health clinics throughout Oklahoma, contributed to community development programs, built roads and bridges, constructed learning facilities and universities for its citizens, instilled the practice of Gadugi and self-reliance in its citizens, revitalized language immersion programs for its children and youth, and is a powerful and positive economic and political force in Eastern Oklahoma.

The CNO hosts the Cherokee National Holiday on Labor Day weekend each year, and 80,000 to 90,000 Cherokee Citizens travel to Tahlequah, Oklahoma, for the festivities. It also publishes the Cherokee Phoenix, a tribal newspaper which has operated continuously since 1828, publishing editions in both English and the Sequoyah Syllabary. The Cherokee Nation council appropriates money for historic foundations concerned with the preservation of Cherokee Culture, including the Cherokee Heritage Center which hosts a reproduction of an ancient Cherokee Village, Adams Rural Village (a turn-of-the-century village), Nofire Farms and the Cherokee Family Research Center (genealogy), which is open to the public.<sup>[36]</sup> The Cherokee Heritage Center is home to the Cherokee National Museum, which has numerous exhibitions also open to the public. The CHC is the repository for the Cherokee Nation as its National Archives. The CHC operates under the Cherokee National Historical Society, Inc., and is governed by a Board of Trustees with an executive committee.

The Cherokee Nation also supports the Cherokee Nation Film Festivals in Tahlequah, Oklahoma and participates in the Sundance Film Festival in Park City, Utah.

## Eastern Band of Cherokee Indians

The Eastern Band of the Cherokee Indians in North Carolina led by Chief Michell Hicks hosts over a million visitors a year to cultural attractions of the 100-square-mile (260 km<sup>2</sup>) sovereign nation. This reservation, the "Qualla Boundary" has a population of over 8000 Cherokee consisting primarily of direct descendants of those Indians who managed to avoid "The Trail of Tears". Attractions include the Oconaluftee Indian Village, Museum of the Cherokee Indian, and the country's oldest and foremost Native American crafts cooperative. The outdoor drama "Unto These Hills" which debuted in 1950 recently broke record attendance sales. Together with Harrah's Cherokee Casino and Hotel, Cherokee Indian Hospital and Cherokee Boys Club the tribe put over \$78 million dollars into the local economy in 2005.

## United Keetoowah Band of Cherokee Indians



The United Keetoowah Band of Cherokee Indians took a different track than the Cherokee Nation and received federal recognition after the Indian Reorganization Act of 1934 . Members of the United Keetoowah Band are descended from the Old Settlers, Cherokees who moved west before the Removal.

### **Relations between the three federally-recognized Cherokee tribes**

The Cherokee Nation participates in numerous joint programs with the Eastern Band of Cherokee Indians. It also participates in cultural exchange programs and joint Tribal Council meetings involving councillors from both Cherokee Tribes which address issues affecting all of the Cherokee People. Unlike the adversarial relationship between the administrations of the United Keetoowah Band of Cherokee Indians and the Cherokee Nation, the Eastern Band of Cherokee Indians interactions with the Cherokee Nation present a unified spirit of *Gadugi* with the leaders and citizens of the Eastern Band. The United Keetoowah Band tribal council unanimously passed a resolution to approach the Cherokee Nation for a joint council meeting between the two Nations, as a means of "offering the olive branch", in the words of the UKB Council. While a date was set for the meeting between members of the Cherokee Nation Council and UKB representative Chief Smith vetoed the meeting.

### **Tribal recognition and membership**

Today there are only three groups recognized by the federal government. The tribes have established similar requirements for Cherokee citizenship based on ancestral Indian connections. The Cherokee Nation requires citizens to have at least one Indian ancestor listed on the 19th century Dawes Rolls<sup>[37]</sup>. The CNO has numerous members who also have African-American, Latino, Asian, white and other ancestry. The Eastern Band of Cherokee Indians requires one-sixteenth Cherokee blood quantum (genealogical descent) and an ancestor on the Baker Roll. The United Keetoowah Band of Cherokee Indians requires one-quarter Cherokee blood quantum (equivalent to one grandparent) and accepts descent from ancestors on any roll.

Many groups have sought recognition by the federal government as Cherokee tribes. Cherokee Nation spokesman Mike Miller has suggested that some groups, which he calls Cherokee Heritage Groups, are encouraged.<sup>[38]</sup> Others, however, are controversial for their attempts to gain economically through their claims to be Cherokee. The three federally recognized groups assert themselves as the only groups having the legal right to present themselves as Cherokee Indian Tribes.<sup>[39]</sup>

One exception to this may be the Texas Cherokees and Associate Bands (TCAB) who prior to 1975, was considered a part of the Cherokee Nation as reflected in briefs filed before the Indian Claims Commission. In fact at one time W.W. Keeler served not only as Principal Chief of the Cherokee Nation, but at the same time held the position as Chairman of the TCAB Executive Committee. Following the adoption of the Cherokee constitution in 1975, TCAB descendants whose ancestors had remained a part of the physical Mount Tabor Community in Rusk County, Texas were excluded from citizenship in that their ancestors did not appear on the Final Rolls of the Five Civilized Tribes. However, most if not all, did have an ancestor listed on the Guion Miller or Old Settler rolls. Another problem for the Mount Tabor Community, was that its members were not all Cherokees. Groups of Yowani Choctaws and McIntosh Party Creeks had joined them in the 1850s, changing the make up of the group.

While most Mount Tabor residents returned to the Cherokee Nation following the death of John Ross in

1866, today there is a sizable group that is well documented but currently is not actively seeking a status clarification. They do have treaty rights going back to the Treaty of Birds Fort, and were associated from the end of the Civil War until 1975 with the Cherokee Nation. The TCAB formed as a political organization in 1871 led by William Penn Adair and Clement Neely Vann. Descendants of the Texas Cherokees and the Mount Tabor Community joined together to try to gain redress from treaty violations, stemming from the Treaty of Bowles Village in 1836. Today, most Mount Tabor descendants are in fact members of the Cherokee Nation. Only some 800 are stuck in limbo without status as Cherokees. Many of them still reside in Rusk and Smith counties of east Texas.

### New resolution

The Councils of the Cherokee Nation and the Eastern Band of Cherokee Indians at the Joint Council Meeting held in Catoosa, Oklahoma on April 9, 2008 passed a resolution "Opposing Fabricated Cherokee 'Tribes' and 'Indians'.<sup>[40]</sup> It denounced state or federal recognition of any "Cherokee" tribes or bands in addition to those already federally recognized. The bands committed themselves assisting state and federal authorities in exposing and ending any group which attempted or claimed to operate as a government of the Cherokee people.

In addition, the resolution asked that no public funding from any federal or state government be expended on behalf of non-federally recognized 'Cherokee' tribes or bands. The Nation would call for a full accounting of all federal monies given to state recognized, unrecognized or 501(c)(3) charitable organizations that claimed any Cherokee affiliation. It called for federal and state governments to stringently apply a federal definition of "Indian" that included only citizens of federally recognized Indian tribes, to prevent non-Indians from selling membership in "Cherokee" tribes for the purpose of exploiting the Indian Arts and Crafts Act.

In a controversial segment that could affect Cherokee Baptist churches and charitable organizations, the resolution stated that no 501(c)(3) organization, state-recognized or unrecognized groups shall be acknowledged as Cherokee.

Celebrities who claim to be Cherokee, such as those listed in this article, are also targeted by the resolution.

*Any individual who is not a member of a federally recognized Cherokee tribe, in academia or otherwise, is hereby discouraged from claiming to speak as a Cherokee, or on behalf of Cherokee citizens, or using claims of Cherokee heritage to advance his or her career or credentials.* – Joint Council of the Cherokee Nation and the Eastern Band of the Cherokee Indians.<sup>[41]</sup>

This declaration was not signed or approved by the federally recognized United Keetoowah Band. The Cherokee Nation acknowledges there are people of Cherokee descent "...in states such as Arkansas, Kansas, Missouri, and Texas," who are Cherokee by blood but are not members of the Cherokee Nation.<sup>[42]</sup>

### Cherokee Freedmen

The Cherokee freedmen, descendants of African American slaves owned by citizens of the Cherokee Nation during the Antebellum Period, were first guaranteed Cherokee citizenship under a treaty with the United States in 1866. This was in the wake of the American Civil War, when the US emancipated slaves and passed US constitutional amendments



The seal of the Cherokee Nation.

granting freedmen citizenship in the United States.

In 1988, the federal court in the Freedmen case of *Nero v. Cherokee Nation* held that Cherokees could decide citizenship requirements and exclude freedmen. On March 7, 2006, the Cherokee Nation Judicial Appeal Tribunal ruled that the Cherokee Freedmen were eligible for Cherokee citizenship. This ruling proved controversial; while the Cherokee Freedman had historically been recorded as "citizens" of the Cherokee Nation at least since 1866 and the later Dawes Commission Land Rolls, the ruling "did not limit membership to people possessing Cherokee blood".<sup>[43]</sup> This ruling was consistent with the 1975 Constitution of the Cherokee Nation of Oklahoma, in its acceptance of the Cherokee Freedmen on the basis of historical citizenship, rather than documented blood relation.

On March 3, 2007 a Constitutional Amendment was passed by a Cherokee vote limiting citizenship to Cherokees on the Dawes Rolls for those listed as Cherokee by blood, Shawnee and Delaware.<sup>[44]</sup> The Cherokee Freedmen had 90 days to appeal this amendment vote which disenfranchised them from Cherokee citizenship and file appeal within the Cherokee Nation Tribal Council, which is currently pending in *Nash, et al v. Cherokee Nation Registrar*. On May 14, 2007, the Cherokee Freedmen were reinstated as citizens of the Cherokee Nation by the Cherokee Nation Tribal Courts through a temporary order and temporary injunction until the court reached its final decision.<sup>[45]</sup>

## Notable Cherokees

*(This includes only documented Cherokees in history, as well as documented current enrolled members)*

- *(For self-identified people of Cherokee heritage, see List of Self-identified people of Cherokee ancestry)*

### In history

- Sequoyah, invented the Cherokee writing system. He is believed to be the only person of an illiterate society to independently invent a writing system.<sup>[46]</sup>
- Elias Boudinot, also known as Galagina "Buck" Watie, was a statesman, orator, and editor. He founded the first Cherokee newspaper, which was written in the syllabary of Sequoyah, called the *Cherokee Phoenix*, and wrote *Poor Sarah*, the first Native-American novel.
- Stand Watie, Buck's younger brother, was a famous frontiersman and the last general of Confederate forces to surrender in the American Civil War. He was also the first and only Principal Chief of the Confederate Cherokee, an office to which he was elected overwhelmingly by the majority who remained in the Nation after John Ross and his retinue fled in 1862. (The division between the Confederate and Union Cherokee ended in 1866 with the Treaty of Tahlequah).
- Ned Christie was a Cherokee statesman who was falsely accused of murder in 1887 and killed as an outlaw in 1892.<sup>[47]</sup> Novels about him include *Zeke and Ned*, by Larry McMurtry and Diane Osana, and *Ned Christie's War* by Robert J. Conley.
- Sam Houston was the adopted son of Cayuga town headman and later Principal Chief of the Cherokee East John Jolly. He emigrated with his adopted father to Arkansas Territory along with his Cherokee wife; it was her death that moved him to migrate to Texas, to which the parties of The Bowl and Richard Fields had already moved. As President of the Republic of Texas, he

became the leading advocate of treaties with the Indian tribes of Texas, especially with the Cherokee.

- Yonaguska of Quallatown became the founding principal chief of what later became the Eastern Band of Cherokee Indians in 1824.
- William Holland Thomas was Yonaguska's adopted son and anointed heir, succeeding him in 1839 upon the latter's death. Orphan of a white trader, he served the Eastern Band in the turbulent years of its formation and growth, the interests of the Band against the government of the State of North Carolina, the federal government of the United States of America, and white land speculators.
- Dragging Canoe, son of Attakullakulla and onetime headman of Great Island Town (*Amoyeli-egwa-yi*) on the Little Tennessee River, he was the head general of the Cherokee during the Second Cherokee War of 1776-1777, and principal chief of the Chickamauga/Lower Cherokee who continued fighting after 1777 during the Chickamauga wars. Allied with the Shawnee and the Upper Mucogee, he was the pre-eminent leader of resistance to encroachment by whites upon the frontier of the Southeast until his death on 1 March 1792.
- John Ross, longtime Second Principal Chief to Charles R. Hicks, he became the first Principal Chief of the Cherokee Nation East under the constitution of 1828. A former protege of The Ridge, he remained in that office until after the Cherokee removal in 1838 and becoming first Principal Chief of the reunited Cherokee Nation (East and West) in 1839, serving until his death in 1866.
- James Vann, son of a Scottish trader surnamed Vann (first named John, James, or Clement), he himself became a trader in the Nation during the Chickamauga wars and fought alongside them in the later years of the wars. After the wars, he became the richest man not only in the Cherokee Nation but east of the Mississippi River, until his murder in 1809. Head of the "Cherokee triumvirate" of the Upper Towns in the early 19th century along with his proteges The Ridge and Charles R. Hicks.
- Major Ridge, named Pathkiller during the Chickamauga wars and changed to The Ridge afterwards, was one of the foremost leaders of the Cherokee Nation in the early 19th century and one of the staunchest opponents of emigration to the west prior to 1832. He acquired the title "Major" during his service in the Cherokee unit serving with Andrew Jackson during the Creek War. A protege of Vann, he was part of the "Cherokee triumvirate" in the Upper Towns during the early 19th century along with Vann and Charles R. Hicks.
- Charles R. Hicks (whose Cherokee name, coincidentally, was Pathkiller), was part of the "Cherokee triumvirate" along with The Ridge and their mentor James Vann in the early 19th century. While The Ridge served as Speaker of the National Council, Hicks became Second Principal Chief to Pathkiller in 1811, and served as de facto Principal Chief from 1813 until Pathkiller's death in 1827, when he then succeeded briefly until his own death by disease two weeks later.
- John Ridge, son of Major Ridge, was during his time one of the most respected and trusted statemen among not only his own tribe but all those of the Southeast, largely because of his formal education and because of his staunch defense of the rights of the Southeastern tribes to remain in their homes. The Muscogee (Creek) even tried to have him and his Cherokee legal partner, David Vann, sit in with their chiefs as chiefs themselves to negotiate the best terms once the Muscogee council had decided that removal was inevitable, a decision both Vann and Ridge had argued against. Ridge later became the foremost leader of the Treaty Party among the Cherokee after a conversation with Andrew Jackson in which the President demonstrated that removal for the Cherokee was also inevitable.
- Doublehead was one of the chief war leaders of the Cherokee during the Chickamauga wars, he led a band that settled at Coldwater Town at the head of Muscle Shoals at the edge of Chickasaw territory. He became one of the triumvirate leading the Lower Cherokee after the death of Dragging Canoe, and the foremost leader after the death of John Watts in 1801. He was the author of many secret land deals with U.S. Indian Commissioner Return J. Meigs, Jr. until his

assassination in 1807.

- Bob Benge, a mixed-blood, was one of the most feared warriors of the Lower Cherokee on the frontier during the Chickamauga wars, especially during the later years. Frequently operating with the band of Doublehead at Coldwater Town and the Shawnee living among the Cherokee as well as Dragging Canoe's warriors, his raids ranged into the Cumberland River valley, the Kentucky hunting grounds, southwestern Virginia, Georgia, western North Carolina, and South Carolina. He was killed in battle in 1794 and his red-haired scalp sent to the governor of Virginia.
- Ostenaco was one of the chief war leaders of the Cherokee nation, and is variously cited as living in Tomotley, Great Tellico, and Keowee. A diplomat and friend to the British, he nonetheless became one of their bitterest opponents when the Province of South Carolina betrayed the Cherokee by taking a number of their leaders hostage, which sparked the Anglo-Cherokee War. After that conflict, he accompanied Henry Timberlake to London to meet George III, King of Great Britain. During the **Second Cherokee War**, he led the warriors of the Lower Towns against South Carolina, and afterwards, along with Dragging Canoe, led those determined to resist the encroachment of illegal settlers west, he himself founding the two of *Ultiwa* on Ooltewah (Wolftever Creek).
- Attakullakulla, known to whites as the Little Carpenter because of the rough English translation of his Cherokee name combined with his diminutive stature, he was the primary diplomat of the Cherokee in the mid-years of the 18th century and headman of Chota. He travelled to London in 1730, where he and six others signed the Articles of Friendship and Trade with George I of Great Britain. He served as the leading chief of the Cherokee until his death in 1775.
- Oconostota, the more warlike counterpart of Attakullakulla, he became the chief war leader of the Cherokee in the years leading up to and including the Anglo-Cherokee War. After that conflict, he became more pacifist, following the line of his predecessor as leading chief, Attakullakulla, in the turbulent years of the early American Revolution.
- Nimrod Jarrett Smith was the fourth (or fifth) Principal Chief of the Eastern Band, he served the Eastern Band during some of its most turbulent years and helped secure a charter of incorporation for the band from the state of North Carolina. During the American Civil War, he served with the Thomas Legion of Cherokee Indians and Highlanders.
- Junaluska was a leading chief of the Cherokee in North Carolina and noted veteran of the Creek War who endured the Cherokee removal only to return to his home area to live on a homestead and farm granted to him by special dispensation of the state assembly of North Carolina. His big regret in life was having saved the life of Andrew Jackson at the Battle of Horseshoe Bend.

## Modern day

- Will Rogers was Cherokee.<sup>[48]</sup>
- Franklin Gritts, Cherokee artist taught at Haskell Institute (now Haskell Indian Nations University) and served on the USS Franklin.
- Bud Adams, businessman and owner of the Tennessee Titans football team, is an enrolled member of the Cherokee Nation.
- Kimberlie A. Gilliland, an award-winning international film director and producer and advocate of Native American language, is an enrolled member of the Cherokee Nation.
- Barbara McAlister (opera singer), an internationally acclaimed opera singer, is an enrolled citizen of the Cherokee Nation from Muskogee, Oklahoma.
- Wes Studi is an enrolled citizen of the Cherokee Nation from Stilwell, Oklahoma. He is a native fluent speaker of Cherokee, a respected actor who has won awards for his portrayals, and an advocate for Native American rights.

## See also

- Anglo-Cherokee War
- Ani-kutani
- Appalachian Granny Magic
- Black Indians
- Cherokee black drink
- Cherokee Clans
- Cherokee Female Seminary
- Cherokee Heritage Groups
- Cherokee language
- Cherokee Moons Ceremonies
- Cherokee mythology
- Cherokee Nation Warriors Society
- Cherokee National Holiday
- Cherokee Scout Reservation
- Cherokee society
- Chickamauga wars
- Dragging Canoe
- Elizabethton, Tennessee
- Gadugi
- Keetoowah
- Keetoowah Nighthawk Society
- Native American Tribe
- Native Americans in the United States
- One-Drop Rule
- Original Keetoowah Society
- Stomp Dance
- Sycamore Shoals
- Timeline of Cherokee removal
- Trail of Tears
- Unto These Hills
- List of sites and peoples visited by the Hernando de Soto Expedition

## Notes

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4. ^ <sup>a</sup> <sup>b</sup> <sup>c</sup> Irwin 1992
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6. ^ <sup>a</sup> <sup>b</sup> <sup>c</sup> Mooney, James (1995) [1900]. *Myths of the Cherokee*. Dover Publications. ISBN 0-486-28907-9.
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8. ^ Dr. Robin Beck, et al., *Joara and Fort San Juan: Colonialism and Household Practice at the Berry Site, North Carolina* (<http://www.tulane.edu/~crodning/nsfaward0542120.pdf>), Tulane University, National Science Foundation grant abstract, 7 Sept 2006

9. ^ Dr. Jordan Lachler, a linguist of Athabaskan and Keresan languages, has worked on Iroquoian dialects and is currently working on Haida. Dr. Thomas McElwain is on the faculty of the University of Stockholm in the Department of Comparative Religion. He is originally from West Virginia and is one of the few native speakers of West Virginia *Mingo*. The Kanawhan regional "Cherokee" are the Les Calicuas and Mohetan--Kanawhans of the documented later 17th century. They were allies of Charles Gist, Col George Washington, Major A. Lewis et. al. during the 18th century. There, Ostenaco and Oconostota along the Ohio River were allied "Gang War" chiefs of 1758 expeditions. They were documented as attacking French Fort Duquesne (Pittsburgh, Pa.) and remaining Sauvanos (Upper Shawnoes) of the vicinity. Some of these "Gang War" members have a relationship with certain clans of 18th century "Overhill" Cherokees. (Particularly, Jesse Wilson/Callahan elements. Jess Wilson Archives curated by Berea College, Kentucky.)
10. ^ [the name of the Kanawha on the Spanish map of Lopez y Cruz (1755), is given as "Tchalaquei" (the earliest Spanish form of "Cherokee", from the Choctaw *choluk*, a hollow or cave); while the Cherokee (now Tennessee) River itself is called "Rio de los Cherakis."] Charles A. Hanna, *The Wilderness Trail*, (New York: 1911)
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- "Principal Chief results" (Accessed July 5, 2007) [3] (<http://www.cherokee.org/TribalGovernment/election/results/1/ByOffice.aspx>)

## External links

### Organizations

- Cherokee Nation (<http://www.cherokee.org/>) (official site)
- Eastern Band of Cherokee Indians (<http://www.nc-cherokee.com/>) (official site)
- United Keetoowah Band of Cherokee Indians (<http://www.unitedkeetoowahband.org/>) (official site)

### Historical documents

- Annual report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution (1885/86) (<http://fax.libs.uga.edu/J84xSIx2x1xv07/>), Contains The "Midé'wiwin, or Grand Medicine Society of the Ojibwa, by W. J. Hoffman and: The Sacred formulas of the Cherokee, by James Mooney
- Annual report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution (1897/98: pt.1) (<http://fax.libs.uga.edu/J84xSIx2x1xv19a/>), Contains The Myths of The Cherokee, by James Mooney
- Famous Smith Supreme Court Case (<http://www.vlex.us/caselaw/U-S-Supreme-Court/Famous-Smith-v-United-States-151-U-S-50-1894/2100-20059173,01.html/>)
- Cherokee Phoenix ([http://neptune3.galib.uga.edu/ssp/cgi-bin/ftaccess.cgi?\\_id=7f000001&db=ZLGN](http://neptune3.galib.uga.edu/ssp/cgi-bin/ftaccess.cgi?_id=7f000001&db=ZLGN)), part of the Georgia Historic Newspapers database at the Digital Library of Georgia (<http://dlg.galileo.usg.edu/>)
- Southeastern Native American Documents, 1763-1842 ([http://neptune3.galib.uga.edu/ssp/cgi-bin/ftaccess.cgi?\\_id=7f000001&db=ZLNA](http://neptune3.galib.uga.edu/ssp/cgi-bin/ftaccess.cgi?_id=7f000001&db=ZLNA)), approximately 2,000 documents and images relating to the Native American population of the Southeastern United States from the collections of the University of Georgia Libraries, the University of Tennessee at Knoxville Library, the Frank H. McClung Museum, the Tennessee State Library and Archives, the Tennessee State Museum, the Museum of the Cherokee Indian, and the LaFayette-Walker County Library.
- Letter to the Cherokee from Major General Winfield Scott (<http://www.cherokee.org/Culture/CulInfo/TOT/125/Default.aspx>) - ultimatum to leave their lands and begin "Trail of Tears", May 10, 1838.
- *The journal of Major John Norton* ([http://link.library.utoronto.ca/champlain/item\\_record.cfm?Idno=9\\_96847&lang=eng&query=9\\_96847&searchtype=Bibrecord&startrow=1&Limit=All](http://link.library.utoronto.ca/champlain/item_record.cfm?Idno=9_96847&lang=eng&query=9_96847&searchtype=Bibrecord&startrow=1&Limit=All))

## Other

- Meet the Cherokee (<http://www.meetthecherokee.org/>)
- Cherokee Nation Facts (<http://www.cherokeeanationfacts.org/>)
- Smithsonian Institution - Cherokee photos and documents (<http://siriscollections.si.edu/search/results.jsp?q=Cherokee>)
- Cherokee Heritage Documentation Center (<http://www.cherokeeregistry.com/>)
- New Georgia Encyclopedia (<http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2722>)
- Removing Classrooms from the Battlefield: Liberty, Paternalism, and the Redemptive Promise of Educational Choice, 2008 BYU Law Review 377 The Cherokee and Richard Henry Pratt (<http://lawreview.byu.edu/archives/2008/2/8WITTE.FIN.pdf>)
- Encyclopedia of Alabama (<http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1433>)
- Cherokee Traditional Dancing Videos ([http://www.lostworlds.org/ocmulgee\\_videos.html](http://www.lostworlds.org/ocmulgee_videos.html))
- Recordings of Cherokee Stomp Dance (<http://www.thepeoplespaths.net/Cherokee/CherokeeRecordings/CherokeeSoundFiles.html>)

Retrieved from "<http://en.wikipedia.org/wiki/Cherokee>"

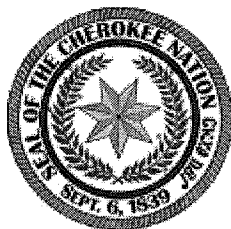
Categories: Cherokee tribe | Native American tribes in North Carolina | Indigenous peoples in the United States | Native American tribes in Alabama

Hidden categories: "Related ethnic groups" needing confirmation | All articles with unsourced statements | Articles with unsourced statements since February 2008 | Wikipedia articles with nonstandard pronunciation | Articles with unsourced statements since May 2007 | Articles with unsourced statements since February 2009

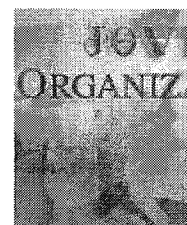
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# Exhibit 7



GWYB DBP  
**CHEROKEE NATION**  
OFFICIAL SITE - [WWW.CHEROKEE.ORG](http://WWW.CHEROKEE.ORG)



[Cherokee Businesses](#) [Cherokee Associations](#) [Cherokee Communities](#)

#### Cherokee Communities

3/11/2009 10:59:41 AM CDT

P.O. Box 948 Tahlequah, OK 74465

## Organizations

### Cherokee Nation Owned Businesses

- [Cherokee Nation Businesses](#)

Cherokee Nation Businesses is the parent company of a diversified portfolio of businesses

- [Cherokee Nation Industries](#)

Cherokee Nation Industries operates as a government contractor in the aerospace and defense distribution industries, and has more recently diversified into the telecommunications and services

- [Cherokee Nation Enterprises](#)

Cherokee Nation Enterprises is the gaming and hospitality arm of the Cherokee Nation. CN Resort, six Cherokee Casinos, Cherokee Casino Will Rogers Downs, three hotels, two golf operations in northeast Oklahoma.

- [Cherokee CRC](#)

Cherokee CRC is a tribally owned company that provides professional environmental solutions in the public and private sectors.

- [Cherokee Services Group](#)

Cherokee Services Group is a general management consulting firm that focuses on the operations of companies, governmental organizations and American Indian tribes.

- [Cherokee Gift Shop](#)

Cherokee Nation Gift Shop.

### Associations

- [Cherokee Home Health](#)

Cherokee Nation Home Health Services, Inc. is a tribally incorporated not-for-profit home and Medicaid certified to provide state licensed home health care to all eligible clients.

- **Sequoyah Schools**

Sequoyah Schools is a regionally and state accredited private school system that provides g of choice for more than 400 Native American students every year.

- **Talking Leaves Job Corps**

Job Corps is a voluntary program for young people who are motivated to learn the skills an sustain their careers.

- **Cherokee Nation Tourism**

Cherokee Nation Cultural Tourism program is designed to promote the Cherokee people's respect for, knowledge of, and economic opportunities for the Cherokee people.

- **Cherokee Phoenix**

The Cherokee Phoenix is an independently operated tribal newspaper covering Cherokee N

- **Cherokee Heritage Center**

The Cherokee Heritage Center offers other interpretive programs and features as well, such events, which support their goal for the preservation and promulgation of the Cherokee cul

- **Elder Care**

Cherokee Nation Comprehensive Care Agency's PACE Mission is to enhance the quality o adults, while enabling the frail older adult to live in his or her home and in the community : socially feasible.

- **Cherokee Nation Washington Office**

The Cherokee Nation Washington Office (CNWO) opened in 2001 to serve as the Cherokee Office in D.C. Our office acts as the liaison between Cherokee Nation tribal citizens and th Agencies and Administrative Offices, National Organizations and other Tribal Governmen

# Exhibit 8





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## Word Mark

CHEROKEE CASINO RESORT

## Goods and Services

IC 041. US 100 101 107. G &amp; S: Entertainment services, namely, providing golf course and gaming facilities. FIRST USE: 20040908. FIRST USE IN COMMERCE: 20040908

IC 043. US 100 101. G &amp; S: Resort lodging, hotel, restaurant and bar services. FIRST USE: 20040908. FIRST USE IN COMMERCE: 20040908

## Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

## Design Search Code

01.01.05 - Stars - one or more stars with seven or more points

26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges

26.01.20 - Circles within a circle

26.01.21 - Circles that are totally or partially shaded.

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

## Serial Number

78405573

## Filing Date

April 21, 2004

## Current Filing Basis

1A

## Original Filing Basis

1B

## Published for Opposition

October 12, 2004

**Registration Number** 2961563

**Registration Date** June 7, 2005

**Owner** (REGISTRANT) Cherokee Nation Enterprises, Inc. Corporation organized under the laws of the Cherokee Nation, a federally-recognized Indian tribe UNITED STATES 1102-B N. 193rd E. Avenue Catoosa OKLAHOMA 74015

(LAST LISTED OWNER) CHEROKEE NATION ENTERPRISES, L.L.C. LIMITED LIABILITY COMPANY ORGANIZED UNDER THE LAWS OF THE CHEROKEE NATION, A FEDERALLY RECOGNIZED INDIAN TRIBE UNITED STATES 777 WEST CHEROKEE STREET CATOOSA OKLAHOMA 741033708

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Joseph D. Fincher, Esq.

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CASINO" and "RESORT" APART FROM THE MARK AS SHOWN

**Description of Mark** The colors red, black, white and gray are claimed as a feature of the mark. The mark consists of a stylized version of the Seal of the Cherokee Nation in black, red, white and gray.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# Exhibit 9



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## Trademarks &gt; Trademark Electronic Search System (TESS)

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TARR Status

ASSIGN Status

TDR

TTAB Status

( Use the "Back" button of the Internet

Browser to return to TESS)

**Word Mark** CHEROKEE HILLS GOLF CLUB
**Goods and Services** IC 041. US 100 101 107. G & S: Entertainment services; namely, providing golf course facilities.  
 FIRST USE: 20040908. FIRST USE IN COMMERCE: 20040908

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 02.01.31 - Men, stylized, including men depicted in caricature form  
 02.09.19 - Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports; Playing games or sports, humans  
 21.03.22 - Clubs for golf; Golf clubs; Putters for golf  
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
**Serial Number** 78405555**Filing Date** April 21, 2004**Current Filing Basis** 1A**Original Filing Basis** 1B**Published for Opposition** October 12, 2004**Registration Number** 2961562**Registration** June 7, 2005

**Date**

**Owner** (REGISTRANT) Cherokee Nation Enterprises, Inc. corporation organized under the laws of the Cherokee Nation, a federally-recognized Indian tribe UNITED STATES 1102-B N. 193rd E. Avenue Catoosa OKLAHOMA 74015

(LAST LISTED OWNER) CHEROKEE NATION ENTERPRISES, L.L.C. LIMITED LIABILITY COMPANY ORGANIZED UNDER THE LAWS OF THE CHEROKEE NATION, A FEDERALLY RECOGNIZED INDIAN TRIBE UNITED STATES 777 WEST CHEROKEE STREET CATOOSA OKLAHOMA 741033708

**Assignment Recorded**

ASSIGNMENT RECORDED

**Attorney of Record**

Joseph D. Fincher

**Disclaimer**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GOLF CLUB" APART FROM THE MARK AS SHOWN

**Description of Mark**

The colors green, brown and tan are claimed as a feature of the mark. The design portion of the mark depicts a golfer completing his swing, with his shadow cast in the background. The jacket is green, the trousers and shoes are tan, and the socks are brown.

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live/Dead Indicator**

LIVE

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# Exhibit 10

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## E

xperience the phenomenal perks of being a Cherokee Casino Resort guest. Our 24-hour casino offers a unique style of electronic gaming designed to provide hours of thrilling entertainment. Our games are fast and exhilarating, and the reward can be thousands of dollars in cash and prizes!

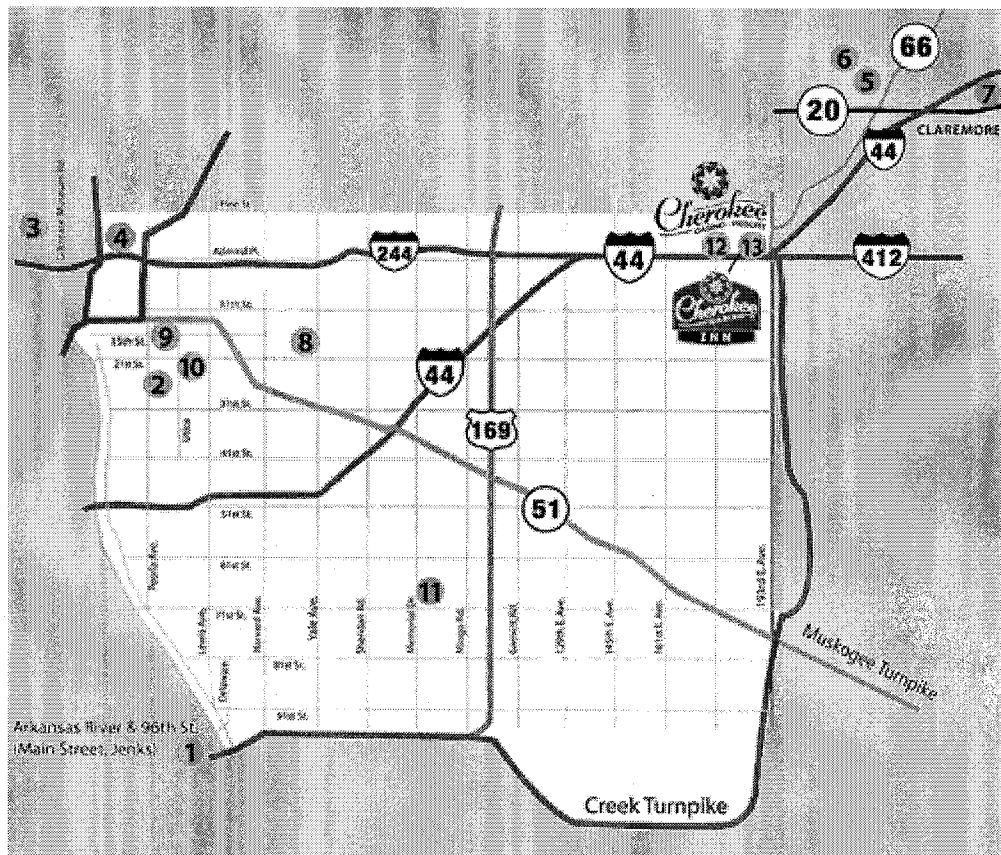


The 95,000 square foot casino floor boasts 1,500 stimulating electronic games for endless gaming excitement. With so many to choose from, you're sure to find a favorite to spin and win! In addition to electronic gaming, we have more than 70 card game tables for you to try your hand at assembling sequences of clubs, spades, hearts and diamonds. Our tables offer casino favorites such as blackjack, Pai Gow poker, Texas Hold 'em, Seven-Card Stud and Omaha poker.

The casino isn't the only exciting aspect of Cherokee Casino Resort. While visiting, you can enjoy a relaxing stay in a luxurious suite, tee time at our challenging golf course, tasty dishes in delicious restaurants and live music at one of our many entertainment venues. With so much to do and see, you won't want to leave!

Must be 21 years of age and have valid photo ID to game or be on the casino floor. We welcome any guest under 21 to visit any of our dining establishments if accompanied by an adult 21 years of age or older.

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1. **Oklahoma Aquarium**  
300 S. Aquarium Drive, Jenks, OK 74037
2. **Philbrook Museum of Art**  
2727 S. Rockford Road, Tulsa, OK 74114
3. **Gilcrease Museum of Art**  
1400 N. Gilcrease Museum Road, Tulsa, OK 74127
4. **Oklahoma Jazz Hall of Fame**  
322 N. Greenwood, Tulsa, OK 74120
5. **JM Davis Arms Museum**  
333 N. Lynn Riggs Blvd., Claremore, OK 74017
6. **Will Rogers Memorial**  
1720 W. Will Rogers Blvd., Claremore, OK 74017
7. **Will Rogers Downs**  
20900 S. 4200 Road, Claremore, OK 74019
8. **Expo Square**  
4145 E. 21st Street, Tulsa, OK 74114
9. **Cherry Street, Antique & Unique Stores, Bars and Restaurants**  
15th Street between Peoria and Utica, Tulsa, OK

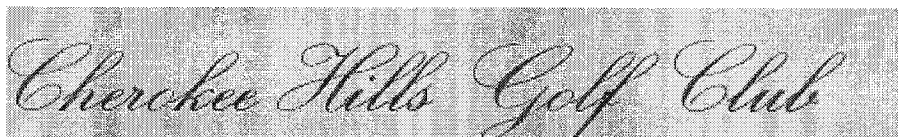


10. **Utica Square**  
*21st & Utica, Tulsa, OK 74114*
11. **Woodland Hills Mall**  
*7021 S. Memorial Drive, Tulsa, OK 74133*
12. **Cherokee Casino Resort**  
*777 W. Cherokee Street, Catoosa, OK 74015*
13. **Cherokee Casino Inn**  
*19250 Timbercrest Circle, Catoosa, OK 74015*

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# Exhibit 11

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**D**esigned by renowned golf architect Perry Maxwell in 1924, the course at **Cherokee Hills Golf Club** is rich in Oklahoma history. The course was recently redesigned by Tripp Davis and has proven to be one of the most beautiful and challenging courses in the state.

Four teeing areas beckon golfers of all skill levels to traverse tree-lined fairways, dramatic elevation changes, demanding bent grass greens, natural rock outcroppings and babbling brooks.

Cherokee Hills is a true challenge for the most accomplished golfer, yet affords the weekend player an enjoyable experience.

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# Top 5

places  
you can play  
- Golf Week 2008



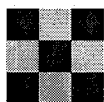
**“Establishing a name for itself among the  
finest golf offerings in Oklahoma.”**

- South Central Golf Magazine

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Pla

# Exhibit 12



**Q:** How many squares are there in the shape to the left?  
97.23% of people get this wrong, will you?  
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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

## Cherokee

**SYLLABICATION:** Cher·o·kee

**PRONUNCIATION:**  chĕr'ə-kē', chĕr'ə-kē'

**NOUN:** Inflected forms: pl. **Cherokee** or **Cher·o·kees**  
**1a.** A Native American people formerly inhabiting the southern Appalachian Mountains from the western Carolinas and eastern Tennessee to northern Georgia, with present-day populations in northeast Oklahoma and western North Carolina. The Cherokee were removed to Indian Territory in the 1830s after conflict with American settlers over rights to traditional lands. **b.** A member of this people. **2.** The Iroquoian language of the Cherokee.

**ETYMOLOGY:** From Cherokee *tsalaki*.

**OTHER FORMS:** **Cher'·o·kee'** —ADJECTIVE

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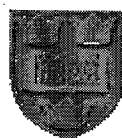
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# Exhibit 13





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## Compact Oxford English Dictionary

### Cherokee

/ˈcherrəkee/

• **noun** (pl. same or **Cherokees**) a member of an American Indian people formerly inhabiting much of the southern US.

— ORIGIN the Cherokees' name for themselves.

Perform another search of the Compact Oxford English Dictionary

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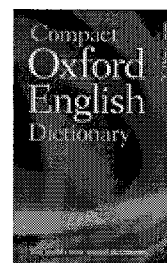
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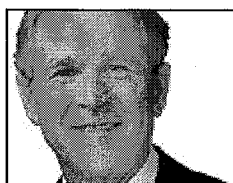
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## Cherokee

Chequers

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cherem

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cherish

Chernobyl

chernozem

### ► Cherokee

Cherokee rose

Cherokee Strip

cheroot

cherry

cherry birch

cherry bomb

cherry brandy

Cherry Hill



**Cher·o·kee** [ chér·rə·kee ] (*plural*  
Cher·o·kee *or* Cher·o·kees)

noun

### Definition:

1. member of Native American people of South: a member of a Native North American people who once lived in the southeastern United States and now live mainly in Oklahoma and North Carolina. The Cherokee were one of the Five Civilized Nations who, under the Removal Act of 1830, were sent to live on reservations in Oklahoma.

2. Cherokee language: the Iroquoian language of the Cherokee. Native speakers: 10,000.

[Late 17th century. < obsolete Cherokee

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- Cher-o-kee *adjective*

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## Cherokee

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Main Entry: **Cher-o-kee**

Pronunciation: \cher-ə-(,)kē, 'che-rə-\

Function: *noun*

Inflected Form(s): *plural Cherokee or Cherokees*

Etymology: probably ultimately from Creek *calá-kki*

Date: 1674

**1** : a member of an American Indian people originally of Tennessee and North Carolina

**2** : the language of the Cherokee people

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**DOI QUICK FACTS**

Bureau of Indian Education provides education services to 47,723 children at 184 sites.

**DOI'S PERFORMANCE****DOI EN ESPAÑOL****EMERGENCY  
MANAGEMENT****FOR DOI EMPLOYEES**[Working for America Act](#)**Indian Ancestry - Locating the Dawes Rolls**


The Dawes Commission was organized in 1893 to accept applications for tribal enrollment and 1907 from American Indians of the Five Civilized Tribes who resided in the Indian Territory later became the eastern portion of Oklahoma. The Five Civilized Tribes consist of the Cherokee, Creek, Seminole and Chickasaw Indians.

There are several places to get access to the Dawes rolls to see if your ancestor is listed, in the following locations.

National Archives & Records Administration  
Southwest Region  
P.O. Box 6216  
Fort Worth, TX 76115  
Phone: 817-334-5621  
Email: [archives@ftworth.nara.gov](mailto:archives@ftworth.nara.gov)  
URL: [www.nara.gov](http://www.nara.gov)

Oklahoma Historical Society  
Archives and Manuscripts Division  
2100 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
Phone: 405-521-2491

Tulsa City-County Library  
2901 S. Harvard  
Tulsa, OK 74114  
Phone: 918-746-5222  
URL: [www.tulsalibrary.org](http://www.tulsalibrary.org)  
Collection: <http://www.tulsalibrary.org/genealogy/rolls-text.htm>

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---

**PEOPLE, LAND & WATER**

---

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**TEACHER RESOURCES**

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DOI Key Officials

DOI Inspector General

DOI History

---

**WEBCAMS**

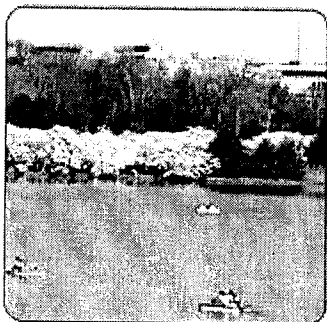
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**Indian Ancestry - Cherokee Indian Ancestry**

About 200 years ago the Cherokee Indians were one tribe, or "Indian Nation" that lived in part of what is now the United States. During the 1830's and 1840's, the period covered by Removal Act, many Cherokees were moved west to a territory that is now the State of Oklahoma. Some remained in the southeast and gathered in North Carolina where they purchased land and continued to live. Others went into the Appalachian Mountains to escape being moved west and their descendants may still live there now.

Today, individuals of Cherokee ancestry fall into the following categories:

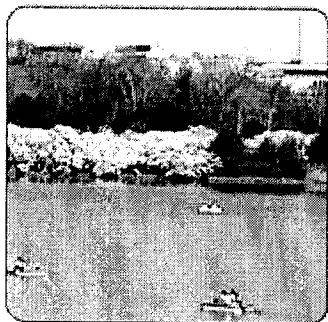
- (1) Living persons who were listed on the final rolls of the Cherokee Nation of Oklahoma (Delaware Commission Rolls) that were approved and descendants of these persons. These final rolls date from 1907.
- (2) Individuals enrolled as members of the Eastern Band of Cherokee Indians of North Carolina and descendants who are eligible for enrollment with the Band.
- (3) Persons on the list of members identified by a resolution dated April 19, 1949, and certified by the Superintendent of the Five Civilized Tribes Agency and their descendants who are eligible with the United Keetoowah Band of Cherokee Indian of Oklahoma.
- (4) All other persons of Cherokee Indian ancestry.

**Category 1.**

After about a half century of self-government, a law enacted in 1906 directed that final rolls be given to each enrollee be given an allotment of land or paid cash in lieu of an allotment. The Cherokee Nation was formally organized in 1975 with the adoption of a new Constitution that superseded the 1838 Cherokee Nation Constitution. This new Constitution establishes a Cherokee Register for the Cherokee Nation for membership purposes in the Cherokee Nation. Members must be citizens as reference to the Dawes Commission Rolls. Including in this are the Delaware Cherokees of the Delaware Agreement dated May 8, 1867, and the Shawnee Cherokees of Article III of the Cherokee Agreement dated June 9, 1869, and/or their descendants.

P.L. 100-472, authorizes through a planning and negotiation process Indian Tribes to administer programs, activities, function, and services previously managed by the Bureau of Indian Affairs. Pursuant to P.L. 100-472 the Cherokee Nation of Oklahoma has entered into a Self-government Compact and now provides those services previously provided by the BIA. Enrollment and allotment are maintained by the Cherokee Nation. Any question with regard to the Cherokee Nation should be directed to:

Cherokee Nation of Oklahoma  
P.O. Box 948  
Tahlequah, OK 74465

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(918)456-0671 Fax (918)456-6485.

**Category 2.**

The Eastern Band of Cherokee Indians of North Carolina is a federally recognized tribe and requirements for membership. Inquiries as to these requirements, or for information shown may be addressed to the BIA's Cherokee Agency, Cherokee, North Carolina 28719, (704)

Eastern Band of Cherokee Indians  
P.O. Box 455  
Cherokee, North Carolina 28719  
(207) 497-2771, Fax (704)497-2952  
ask for the Tribal Enrollment Office.

**Category 3.**

By the Act of August 10, 1946, 60 Stat. 976, Congress recognized the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) for the purposes of organizing under the Oklahoma Act. In 1950, the UKB organized under a Constitution and Bylaws approved by the Secretary of the Interior. Members of the UKB consist of all persons whose names appear on the list of members by a resolution dated April 19, 1949, and certified by the Superintendent of the Five Civilized Tribes Agency on November 26, 1949, with the governing body of the UKB having the power to promulgate and regulations governing future membership. The supreme governing body (UKB Council) consists of members, elected to represent the nine districts of the old Cherokee Nation and four officers at large. Information may be obtained by writing

United Keetoowah Band of Cherokee Indians  
P.O. Box 746  
Tahlequah Oklahoma, 74465-9432  
(918) 456-5491 Fax (918) 456-9601.

**Category 4.**

Information about Indian ancestry of individuals in this category of Cherokees is more difficult to obtain. This is primarily because the federal government has never maintained a list of all the persons of Cherokee Indian descent, indicating their tribal affiliation, degree of Indian blood or other data. To establish Cherokee ancestry you should use the same methods prescribed in "Indian Ancestry" and "Genealogical Research" material. (Reference directories "INDIAN ANCESTRY" and "GENEALOGICAL RESEARCH")

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# Exhibit 18

# CHEROKEE NATION

GWY DBC



TAHLEQUAH, OKLAHOMA

## COMPREHENSIVE ANNUAL FINANCIAL REPORT

FISCAL YEAR ENDED  
SEPTEMBER 30, 2006

# **CHEROKEE NATION**

**Tahlequah, Oklahoma**



## **COMPREHENSIVE ANNUAL FINANCIAL REPORT**

**YEAR ENDED  
SEPTEMBER 30, 2006**

**Prepared by  
Financial Resource Group**



CHEROKEE NATION  
COMPREHENSIVE ANNUAL FINANCIAL REPORT  
FOR THE YEAR ENDED SEPTEMBER 30, 2006

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# INTRODUCTORY SECTION

CHEROKEE NATION  
COMPREHENSIVE ANNUAL FINANCIAL REPORT



## CHEROKEE NATION

P.O. Box 948  
Tahlequah, OK 74465-0948  
918-453-5000

Chad "Cornassel" Smith  
ᎠᎭᎾᎵ  
Principal Chief

Joe Grayson  
ᎠᎭᎾᎵ ᎠᎭᎾᎵ  
Deputy Principal Chief

March 28, 2007

Principal Chief, Deputy Chief, Tribal Council, and Citizens of the Cherokee Nation:

We are pleased to submit the Comprehensive Annual Financial Report of the Cherokee Nation (the "Nation" or "Tribe") for the fiscal year ended September 30, 2006. Accountability for both the accuracy of the data and the completeness and fairness of the presentation, including all disclosures, rests with the Nation. We believe the data presented is accurate in all material aspects, and fairly presents the financial position and results of operations for the year ended September 30, 2006.

A comprehensive analysis of the Nation's financial position and activities for the year are contained in this report. It has been prepared by the Nation's Financial Resources Group and conforms to the "pyramid" approach to governmental financial reporting as prescribed in National Council on Government Accounting ("NCGA") Statement 1, "Governmental Accounting and Financial Reporting Principles."

### Organization of the Government

The Nation is the federally recognized government of the Cherokee people and has sovereign status granted by treaty and law. The Nation is the second largest federally recognized tribe in the United States and is located within the 14 counties of northeastern Oklahoma. The boundary runs northerly and southeasterly from Tulsa, Oklahoma to the Kansas and Arkansas state borders. The Nation's jurisdictional area—which consists of 9,234 square miles and includes all of nine counties and portions of five other counties—was established following the historical boundaries of the Cherokee Nation after the Treaty of 1866.

The Cherokee Nation has a tripartite form of government designed after the original democratic form of government of the Iroquois that was adopted by the United States. The Cherokee Constitution was amended by the Constitutional Convention in 1999 and ratified by a vote of the Cherokee citizens in 2003. This Constitution defines the distribution and separation of powers among the three branches of government. The three branches and their respective powers include the:

- (1) **Executive Branch**--the executive power is vested in the Principal Chief, currently Chadwick "Cornassel" Smith. The Principal Chief is responsible for the execution of the laws of the Cherokee Nation, establishment of tribal policy and delegation of authority as is necessary for the administrative functions of the Cherokee Nation. The Principal Chief maintains an office at the W. W. Keeler Tribal Complex in Tahlequah (Cherokee County), Oklahoma.

The Deputy Chief, currently Joe Grayson, Jr., is empowered to act as directed by the Principal Chief.

- (2) **Legislative Branch**--the Legislature consists of seventeen (17) tribal council members, who are citizens of the Cherokee Nation. The Tribal Council is elected to four-year terms from the nine districts of the Cherokee Nation and two at-large members who represent citizens living outside the jurisdictional area. The role of the Tribal Council is to adopt legislation and to conduct other business in the best interest of the Cherokee people.
- (3) **Judicial Branch**--the Judicial Branch consists of the Supreme Court and the Cherokee Nation District Court. Supreme Court Justices are appointed by the Principal Chief and confirmed by the Tribal Council. The primary responsibility of the Justices is to hear and resolve any disagreements arising under the provisions of the Constitution or any enactment of the Tribal Council. The District Court system hears all cases brought before it under jurisdiction of the Cherokee Nation Code Annotated, Title 20, Courts and Procedure.

Between 1907 and 1971, the President of the United States appointed the Principal Chief of the Cherokee Nation. Special Congressional legislation was enacted to restore elective rights to the Cherokee people and, in 1971 W. W. Keeler became the first elected Principal Chief of the Cherokee Nation under this legislation. In 1975, Ross O. Swimmer was elected to the office of the Principal Chief and was re-elected in 1979 and 1983. In December 1985, Ross O. Swimmer resigned as Principal Chief of the Nation to become the Assistant Secretary of the Department of Interior for the Bureau of Indian Affairs. Wilma P. Mankiller, formerly Deputy Chief, was appointed Principal Chief and was elected to consecutive four-year terms in 1987 and 1991. Wilma Mankiller chose not to seek re-election in 1995. Joe Byrd was elected as Principal Chief in 1995. In 1999, Chad Smith was elected as Principal Chief. In May 2003, he was re-elected as Principal Chief and has continued his mission of improving services, increasing cultural awareness and increasing the resources for the betterment of the Cherokee Nation throughout 2006.

### **Government Services Provided**

The Executive Branch of the Nation is organized with the Principal Chief and the Deputy Principal Chief serving as the final authorities of the administrative operations of the Nation. The Constitution provides for a three member Cabinet, the Secretary of State, the Treasurer and the Secretary of Natural Resources. The Secretary of State is responsible for a variety of governmental functions including but not limited to the certification of petitions, referring amendments of the constitution to the people, and receipt of petitions, orders for initiatives, and oaths of office. The Treasurer provides oversight and direction for the Nation on all financial matters, including annual budgets, investment of funds, and financial reporting in conformance with Generally Accepted Accounting Principles. The Secretary of Natural Resources advises the Chief on natural resource issues and works to advance the Nation's top environmental strategic priorities. The Secretary of Natural Resources office is currently vacant.

The Constitution also created an office of Attorney General and an office of Marshal. The Attorney General and Marshal are appointed by the Principal Chief and confirmed by the Tribal Council for a term of five (5) years. The terms of the Attorney General and Marshal shall not be concurrent. The Attorney General represents the Cherokee Nation in all criminal cases in the courts of the Nation, and in all civil actions wherein the Cherokee Nation is named as a party and shall have such other

duties as the Council may prescribe by law. The Marshal enforces tribal law within the jurisdiction of the Cherokee Nation.

The staff of the Principal Chief includes the Group Leaders of the respective groups who provide oversight and general direction. The three major Teams are Direction, Service, and Resources.

These Teams are comprised of the following:

1. Direction Team
  - a. Government Relations
  - b. Strategy
  - c. Solutions Development
  - d. Communications
2. Service Team
  - a. Education Services
  - b. Health Services
  - c. Community Services
  - d. Commerce Services
  - e. Human Services
  - f. Career Services
3. Resource Team
  - a. Legal Resources
  - b. Financial Resources
  - c. Human Resources
  - d. Management Resources
  - e. Government Resources

### **Reporting Entity**

The Nation determines its financial reporting entity in accordance with Governmental Accounting Standards Board ("GASB") Statement No. 14, "The Financial Reporting Entity," as amended by GASB Statement No. 39 and, based on that criterion, has included the following entities as component units within the Nation's basic financial statements.

- Housing Authority of the Cherokee Nation ("HACN")
- Cherokee Nation Industries, Inc. ("CNI") and related companies
- Cherokee Nation Businesses, LLC ("CNB") and related companies
- Cherokee Nation Home Health Services, Inc. ("CNHHS")
- Cherokee Nation Comprehensive Care Agency ("CNCCA")
- Cherokee Nation Economic Development Trust Authority ("EDTA")

The nature of the activities of these organizations and the specific basis for inclusion as a component unit of the Nation are discussed in the notes to basic financial statements.

## **Excluded Organizations**

During 2006, the following organizations did not meet the criteria for inclusion in the reporting entity and accordingly their financial operations are excluded from this report.

Cherokee Nation Education Foundation  
Cherokee National Historical Society

## **Financial Information**

The management of the Nation is responsible for ensuring that adequate accounting data is compiled to allow for the preparation of financial statements in conformity with generally accepted accounting principles. Management of the Nation is also responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Nation are protected from loss, theft or misuse. The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the valuation of costs and benefits requires estimates and judgments by management. The Nation did not change any financial policies that had a significant impact on the fiscal year's financial statements.

Single Audit - As a recipient of federal and state financial assistance, the Nation is responsible for ensuring that an adequate internal control structure is in place to ensure compliance with applicable laws and regulations related to those programs. This internal control structure is subject to periodic evaluation by management of the Nation.

As a part of the Nation's single audit, tests are made to determine the adequacy of the internal control structure, including that portion related to federal financial assistance programs, as well as to determine that the Nation has complied with applicable laws and regulations. The results of the Nation's single audit for the fiscal year ended September 30, 2006, are included in a separately issued Single Audit Report.

Budget - Title 62, §31-32 provides the legal level of budgetary control for the Cherokee Nation. The Executive and Finance Committee of the Council, upon direction of the Treasurer and with advisement from the Controller, shall formulate an annual appropriations bill. The bill shall contain the legal budgeted annual revenue and expenditures for the general fund, and enterprise funds, the executive, legislative, and judicial branches of government. The sources of revenue may be based upon estimates. The budgeted expenditures for these funds shall not exceed total estimated revenues and beginning fund balance; Cherokee Nation limits uses of funds to the availability of the sources of revenues.

Should the need arise for management to transfer funds or propose additional appropriations, the Executive and Finance Committee of the Council, upon direction of the Treasurer and with advisement from the Controller, shall be responsible for proposing amendments to the annual appropriations law based upon material changes in real or estimated revenues and expenditures that affect the total amounts budgeted. Any amendments to the annual appropriations bill shall be presented to the full Council for consideration and passage. Any funds received by the Cherokee Nation, the use of which is determined by the granting or contracting agency (special revenue funds)

shall be used only for those purposes and under those conditions for which the funds are made available and such funds are not subject to legal appropriation by the Tribal Council.

The basic financial statements contain a budget and actual comparative statement for the General Fund, a legally budgeted fund. A budgetary statement for enterprise funds, which are also legally budgeted, is included in the budgetary information section of Other Supplementary Information. Budgets for the Nation are prepared on the same basis of accounting as the financial reports; therefore, no reconciliation is necessary.

### **Economic Outlook**

Since fiscal year 2002, the Cherokee Nation primary government has increased its total assets by approximately \$180,000,000 or 132%. This growth is aligned with our vision for the Cherokee Nation as stated in the Declaration of Designed Purpose. This vision states, "The Cherokee Nation shall achieve and maintain an enriching cultural identity, economic self-reliance, and a strong government." The Nation's long-term financial planning process utilizes a Strategic Budget Committee to ensure discretionary resources are used to support the vision of the Nation. The planning process encompasses the annual financial budget process, as well as long-term strategic planning for use of the Nation's resources.

Through expansion of its component units, the Nation is working to establish a self-reliant economy for the citizens of the Nation. In addition to the expansion of component units, the Nation has been successful in partnering with local governments to attract new industries and create jobs within the Nation's jurisdiction.

### **Use of the Report**

This report will be submitted to the U.S. Department of Interior, Office of Inspector General, in compliance with the requirements of the Office of Management and Budget (OMB) Circular A-133 "Audits of States and Local Governments and Non-Profit Organizations." Copies of the reports will also be submitted to elected officials of the Nation and various other agencies which require copies consistent with the administration of funding provided to the Nation under grants and contracts. Use of this report by the departments of the Nation is encouraged.

Readers of this report should refer to Management's Discussion and Analysis for better understanding of the financial activities of the Nation. The MD&A provides the reader with an easily readable discussion of the basic financial statements, significant differences, comparative analyses, fund financial analysis, significant budget variations, and facts, decisions or conditions which are expected to have a significant effect on the Nation's financial position or results of operations.

### **Certificate of Achievement**

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to Cherokee Nation for its comprehensive annual financial report for the fiscal year ended September 30, 2005. This was the



fifth consecutive year that the government has achieved this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current comprehensive annual financial report continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

#### **Acknowledgements**

The preparation of the 2006 Comprehensive Annual Financial Report (CAFR) was an extremely complex task requiring the professional skills of the entire Financial Resources Group. We would like to express our gratitude to the Financial Resources Group for their dedication and hard work. We would also like to thank BKD, LLP, independent auditors for the Cherokee Nation, for the guidance and technical assistance in completing this CAFR.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Callie Catcher".

Callie Catcher  
Treasurer

# **Cherokee Nation Tribal Officials 2006**

## **EXECUTIVE BRANCH**

**Chadwick "Corntassle" Smith**

**Principal Chief**

**Joe Grayson, Jr.**

**Deputy Principal Chief**

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## **LEGISLATIVE BRANCH**

**Bill John Baker  
District 1  
Cherokee**

**Jackie Bob Martin  
District 2  
Trail of Tears**

**Don Garvin  
District 4  
Three Rivers**

**Meredith A. Frailey  
District 6  
Mayes**

**Buel Anglen  
District 8  
Oologah**

**Taylor Keen  
At Large**

**Audra Smoke-Conner  
District 1  
Cherokee**

**David Thornton, Sr.  
District 3  
Sequoyah**

**Linda Hughes-O'Leary  
District 5  
Delaware**

**John F. Keener  
District 6  
Mayes**

**William G. "Bill" Johnson  
District 8  
Oologah**

**Jack D. Baker  
At Large**

**S. Joe Crittenden  
District 2  
Trail of Tears**

**Phyllis Yargee  
District 3  
Sequoyah**

**Melvina Shotpouch  
District 5  
Delaware**

**Cara Cowan-Watts  
District 7  
Will Rogers**

**Charles "Chuck" Hoskin  
District 9  
Craig**

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## **JUDICIAL BRANCH**

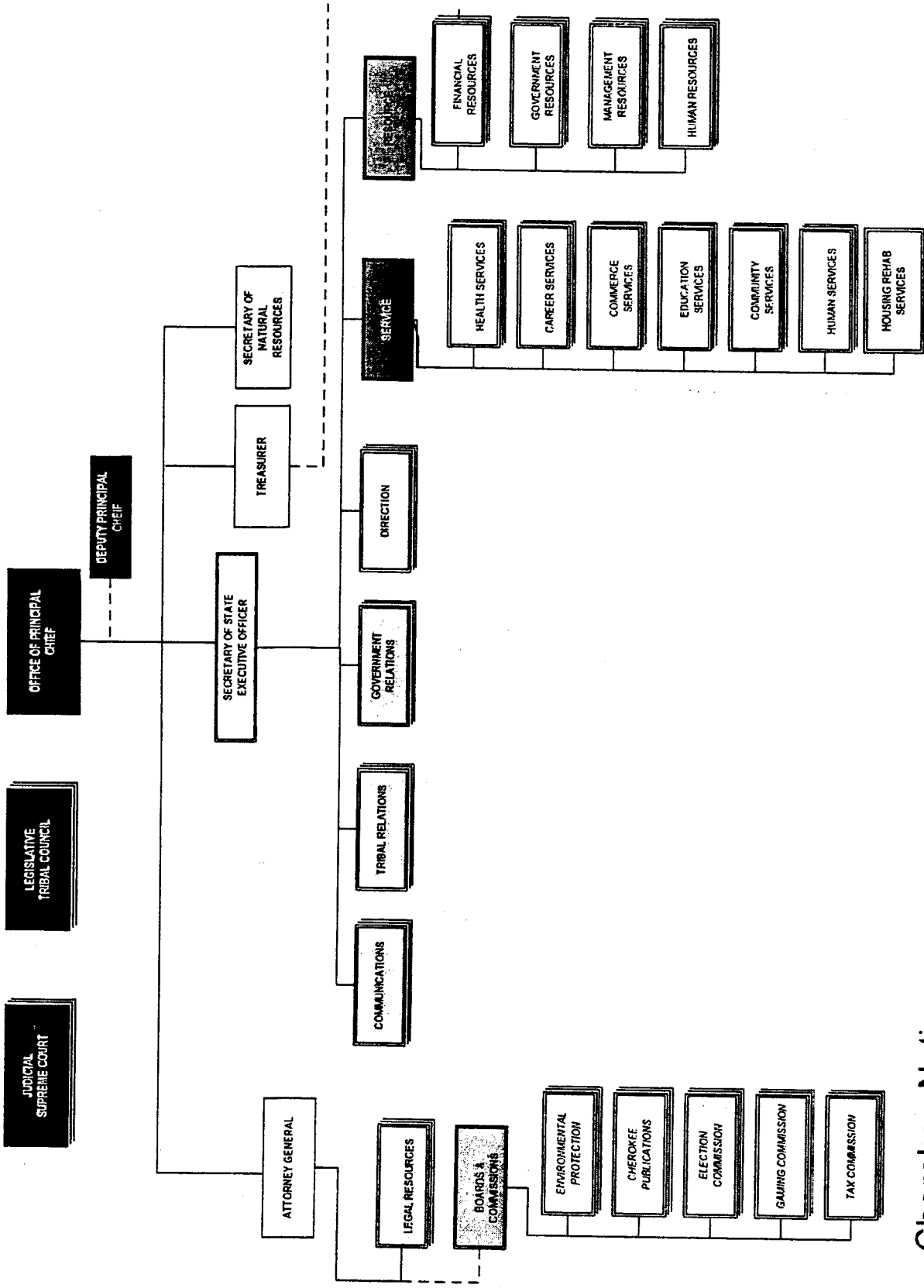
**Darrell R. Dowty  
Justice**

**James G. Wilcoxen  
Justice**

**Stacy Leeds  
Justice**

**Kyle B. Haskins  
Justice**

**Darell R. Matlock  
Chief Justice**



**Cherokee Nation**  
Organizational Chart  
September 30, 2006



# Certificate of Achievement for Excellence in Financial Reporting

Presented to

Cherokee Nation  
Oklahoma

For its Comprehensive Annual  
Financial Report  
for the Fiscal Year Ended  
September 30, 2005

A Certificate of Achievement for Excellence in Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFRs) achieve the highest standards in government accounting and financial reporting.



President

Executive Director

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# FINANCIAL SECTION



## Independent Accountants' Report on Financial Statements and Supplementary Information

The Principal Chief and Tribal Council  
Cherokee Nation  
Tahlequah, Oklahoma

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Cherokee Nation (the Nation) as of and for the year ended September 30, 2006, which collectively comprise the Nation's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Nation's management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Housing Authority of the Cherokee Nation (HACN) or Cherokee Nation Home Health Services, Inc. (CNHHS), which are discretely presented component units of the Nation. The financial statements of HACN and CNHHS, which collectively comprise 36% of total assets and 2% of total operating revenues of the aggregate discretely presented component units, were audited by other accountants whose reports have been furnished to us and our opinion, insofar as it relates to the amounts included for HACN and CNHHS, is based solely on the reports of the other accountants.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, based on our audit and the reports of other accountants, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Cherokee Nation as of September 30, 2006, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 28, 2007, on our consideration of the Nation's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.



The accompanying management's discussion and analysis as listed in the table of contents is not a required part of the basic financial statements but is supplementary information required by the Governmental Accounting Standards Board. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Nation's basic financial statements. The accompanying supplementary information, as listed in the table of contents, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

The accompanying information in the statistical section, as listed in the table of contents, has not been subjected to the procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on it.

BKD LLP

March 28, 2007

## MANAGEMENT'S DISCUSSION AND ANALYSIS

The Nation's management provides Management's Discussion and Analysis of the Comprehensive Annual Financial Report ("CAFR") as a tool for readers of the Nation's financial statements for the fiscal year ended September 30, 2006. Readers of the Nation's financial statements are encouraged to utilize this information in conjunction with the information provided in the letter of transmittal, which precedes this section, and the accompanying basic financial statements and disclosures following this section.

### FINANCIAL HIGHLIGHTS – PRIMARY GOVERNMENT

- The Nation's assets exceeded its liabilities at the end of fiscal year 2006 by \$145 million (net assets). Of this total amount, \$69 million are unrestricted net assets that may be used to meet the government's ongoing obligations.
- The Nation's overall liabilities increased by approximately \$22 million to \$170 million.
- The net assets increased by \$21 million, which is largely attributable to an increase in dividends from component units, increases in revenues from motor vehicle and tobacco taxes and increases in capital assets, net of related debt.

### OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis serves as an introduction to the Nation's basic financial statements. The Nation's basic financial statements are comprised of government-wide financial statements, fund financial statements, and notes to the basic financial statements. The CAFR also contains other information to supplement the basic financial statements. A brief description of the basic financial statements follows:

#### Basic Financial Statements

The basic financial statements include two types of financial statements that present different views of the Nation, the *Government-Wide Financial Statements* and the *Fund Financial Statements*. The basic financial statements also include *Notes to Basic Financial Statements*, which explain and provide additional detail about some of the information contained in the statements.

#### Government-Wide Financial Statements

The *Government-Wide Financial Statements* provide a broad overview of the Nation's finances and operations in a manner similar to private-sector business. The statements provide information about the Nation's financial position on both a short-term and long-term basis. The statements are prepared using the accrual basis of accounting and an economic resources management focus. The government-wide financial statements include the Statement of Net Assets and the Statement of Activities.

The *Statement of Net Assets* presents the assets and liabilities for the entire Nation, with the difference reported as "net assets." Increases or decreases in net assets over time, can serve as an indicator of the improvement or decline in the Nation's financial position.

The *Statement of Activities* presents information about how the Nation's net assets changed during the fiscal year. All changes in net assets are reported when the underlying event giving rise to the change occurs, regardless of when the related cash flows occur. Utilizing this method, revenues and expenses are reported when earned and incurred, rather than when cash is received or expended.

The financial statements include separate sections for three different types of activities. The three types are as follows:

- *Governmental Activities* – This section presents information about activities supported by dividends from component units, taxes, intergovernmental revenues (state and federal grants), and private grants. The services provided by the Nation's government generally fall into this category, including tribal government, health services, education services, human services, community services, and other tribal services.
- *Business-Type Activities* – These types of activities are intended to recover all or a substantial portion of their costs through user fees and charges to external users of the goods and services. The business type activities of the Nation include the Landfill Operations, Tsa-La-Gi Apartments, Economic Development Trust Authority, and Other Enterprise Activities.
- *Discretely Presented Component Units* – These are the operations for which the Nation has financial accountability, but have certain independent qualities, such as an independent Board of Directors. For the most part, these units operate similar to private-sector business.

The Nation's discretely presented component units are:

- The Housing Authority of the Cherokee Nation ("HACN")
- Cherokee Nation Industries, Inc. ("CNI") and related companies
- Cherokee Nation Businesses, LLC ("CNB") and related companies
- Cherokee Nation Home Health Services, Inc. ("CNHHS")
- Cherokee Nation Comprehensive Care Agency ("CNCCA")

Complete financial statements for each HACN, CNI, CNB and CNHHS can be obtained from their respective administrative offices, or by contacting Cherokee Nation, Office of the Controller.

The government-wide financial statements can be found immediately following this discussion and analysis.

## **Fund Financial Statements**

A fund is a group of related accounts that is used to maintain control over resources that have been separated for specific activities or objectives. The Nation, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

The fund financial statements focus on individual activities of the Nation's government, providing more detail than the government-wide financial statements. The funds of the Nation are divided into three types, which use different accounting approaches and should be interpreted differently. The three types of funds are:

*Governmental Funds* – Most of the services provided by the Nation are financed and reported through the governmental funds. Governmental funds are used to account for the same governmental functions as reported in the government-wide financial statements. However, unlike the government-wide financial statements, the governmental fund financial statements focus on the near-term inflows and outflows of expendable resources. These fund statements also focus on the balances of expendable resources available at the end of the fiscal year. This approach to financial reporting is known as using the flow of current financial resources and the modified accrual basis of accounting. This method may be useful in evaluating the government's near-term financing requirements. These statements provide a short-term view of the Nation's finances that assist in determining if there will be sufficient financial resources to meet the current needs of the Nation.

Because the focus of the governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, the readers may better understand the long-term impact of the government's near-term financing decisions. The Governmental Fund Balance Sheet and the Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities. These reconciliations are presented on pages 25 and 27 of the financial statements.

The Nation maintains five major governmental funds, each presented in a separate column in the Governmental Fund Balance Sheet and in the Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balances. The Nation's five major governmental funds are the General Fund, Self Governance DOI Roads, Self Governance DHHS, Housing and Urban Development and Sequoyah Education funds. In addition, the Nation maintains fifteen nonmajor funds, including two permanent funds, a capital projects fund and a debt service fund to account for other governmental activity. The governmental fund statements can be found on pages 25 and 26 of this report.

*Proprietary Funds* – These funds are used to show activities which operate similar to private-sector enterprises. Because these funds charge fees for goods and services provided to outside customers, they are known as Proprietary Funds. Proprietary funds provide the same type of information as the business-type activities in the government-wide financial statements, except in more detail. Like the government-wide financial statements, proprietary fund financial statements use the accrual basis of accounting. There is no separate reconciliation needed between the proprietary fund financial statements and the government-wide financial statements for business-type activities.

The proprietary funds financial statements can be found on pages 29 - 31 immediately following the governmental fund financial statements. The Nation's proprietary funds include Enterprise and Internal Service Funds, which are described below.

*Enterprise Funds* – The Nation has four nonmajor enterprise funds for presentation purposes. The funds are the Nation's Landfill Operations, Tsa-La-Gi Apartments, Economic Development Trust Authority (EDTA), and Other Enterprises. The non-major enterprise combining financial statements can be found on pages 76 - 78 of this report.

*Internal Service Funds* – The internal service funds are used to account for activities related to goods and services provided by one department to other departments of the Nation and to other governmental units, on a cost reimbursement basis.

The internal service funds are:

- *Internal Leases* – used to account for the cost to maintain buildings for use by other funds of the Nation.
- *Force Accounts* – used to acquire and maintain equipment and supplies used by other funds of the Nation.
- *Fringe Pool* – used to account for the cost of fringe benefits, including the Nation's self-insured health care and worker's compensation benefits, used by other funds of the Nation.
- *Indirect Cost Pool* – used to account for the cost of providing certain services, such as accounting, human resources, and acquisition management, to other funds of the Nation.
- *Construction Management* – used to account for the cost to manage construction of buildings for use by other funds of the Nation. In 2006, the activities of this fund were transferred to CNI, a component unit of the Nation.

The internal service funds combining financial statements can be found on pages 79 - 81 of this report.

*Cherokee Nation Component Unit Financial Statements* – As previously mentioned above, the component units are operations over which the Nation has financial accountability, but they have independent qualities as well, similar to private-sector business. The government-wide financial statements present information for the component units in a single column. The Statement of Net Assets and the Statement of Revenues, Expenses and Changes in Fund Net Assets present detail for each of the five discretely presented component units.

The financial statements for component units can be found on pages 32 and 33 of this report.

## **Notes to Basic Financial Statements**

The notes to basic financial statements provide additional information that is essential for a full understanding of the data provided in the government-wide and the fund financial statements. The notes to basic financial statements can be found on pages 34 - 73 of this report.

## Supplementary Information

The basic financial statements are followed by a section of supplementary information. This section of the report includes combining schedules for nonmajor governmental and enterprise funds, internal service funds, one of the Nation's component units and a budgetary comparison schedule for the Nation's enterprise funds.

## COMPARATIVE ANALYSIS FOR MAJOR FUNDS

The following is a comparative analysis for the Nation's major funds (in thousands):

		2006	2005	Increase/ (Decrease)	Percentage Increase/ (Decrease)
<b>Major Fund</b>					
<b>General Fund</b>					
Revenues and transfers in	(1)	\$ 63,289	\$ 54,027	\$ 9,262	17.1 %
Expenditures and transfers out	(2)	49,398	39,073	10,325	26.4 %
<b>Self Governance DOI Roads</b>					
Revenues and transfers in	(3)	11,536	3,522	8,014	227.5 %
Expenditures and transfers out	(3)	12,119	3,522	8,597	244.1 %
<b>Self Governance DHHS</b>					
Revenues and transfers in	(4)	70,940	61,876	9,064	14.6 %
Expenditures and transfers out	(4)	68,547	63,428	5,119	8.1 %
<b>Housing and Urban Development</b>					
Revenues and transfers in	(5)	24,295	24,692	(397)	(1.6)%
Expenditures and transfers out	(5)	24,295	24,692	(397)	(1.6)%
<b>Sequoyah Education</b>					
Revenues and transfers in	(6)	6,823	6,300	523	8.3 %
Expenditures and transfers out	(6)	6,468	6,141	327	5.3 %

(1) Revenue increases for General Fund are primarily the result of increased dividends from component units of \$7.5 million, increases in tax and license revenues of \$5.7 million and increased interest income of \$1.5 million offset by a reduction in revenue from indirect cost settlements of \$6.1 million.

(2) General Fund expenditures and transfers increased in FY2006 as compared to FY2005 by a total of \$10.3 million. The largest contributors to the increased expenditures were in salaries and fringe benefits of \$3 million, contract services of \$1.5 million, and client services of \$1.2 million. The increase in contract services included expenditures for community work projects, contract health services and an increased amount distributed from Motor Vehicle Tax to the schools and for highway construction.

(3) Self Governance DOI Roads program reflects an increase in revenue and expenditures as a result of new projects initiated in 2006.

(4) Self Governance DHHS revenue increased in FY 2006 primarily due to a \$9 million dollar increase in programmatic revenues received and increased third party revenues. Expenditures were more due to increases in salaries and fringe benefits.

(5) Housing and Urban Development revenue and expenditure were slightly less than FY2005 as a result of decreased sub-grants to Housing Authority of the Cherokee Nation ("HACN"). These sub-grants are used by HACN to provide affordable housing to citizens.

(6) Sequoyah Education revenue and expenditures increased in FY2006 primarily due to additional funding received from DOI for indirect costs.

## **GOVERNMENT-WIDE FINANCIAL ANALYSIS**

### **Net Assets**

As stated earlier, the government-wide financial statements are presented to give a broad overview of the government as a whole. Total assets for the Nation's governmental activities at fiscal year ending September 30, 2006 were \$304 million. Of the \$304 million, \$56 million is related to investment in capital assets such as land, buildings, and equipment. Other assets, primarily cash, investments, and receivables, represent funds available to meet both current and future obligations of the Nation.

Total liabilities of the Nation's governmental activities at September 30, 2006 were \$164 million. Of this amount, approximately \$37 million relates to long-term obligations primarily for the Title VI guaranteed loan program used to provide affordable housing for sale to Tribal citizens and capital asset acquisitions. Other liabilities represent accounts payable and deferred grant revenue and other obligations generally due within one year of the financial statement date.

The assets of the Nation's governmental activities exceeded liabilities at September 30, 2006 by \$140 million, which is stated as net assets.

The Nation's business-type activities have total assets of \$11 million at September 30, 2006. Of the \$11 million, \$7 million is related to investment in capital assets such as land, buildings and equipment. The liabilities related to the business-type activities at fiscal year end were \$6 million. Of that amount, approximately \$4 million related to long-term obligations primarily to finance capital asset acquisitions and economic development authority loans for small business development. Other liabilities represent accounts payable and other obligations generally due within one year of the financial statement date. The assets of the Nation's business-type activities exceeded liabilities at September 30, 2006 by \$5 million, which is stated as net assets. The following table presents the Nation's net assets for the primary government (in thousands):

	Governmental Activities		Business-Type Activities		Total	
	2006	2005	2006	2005	2006	2005
Current and other assets	\$ 247,888	\$ 221,803	\$ 4,316	\$ 2,736	\$ 252,204	\$ 224,539
Capital assets	56,443	40,798	6,761	6,851	63,204	47,649
Total assets	<u>304,331</u>	<u>262,601</u>	<u>11,077</u>	<u>9,587</u>	<u>315,408</u>	<u>272,188</u>
Long-term debt outstanding	36,858	35,885	3,647	2,430	40,505	38,315
Other liabilities	127,557	107,298	2,357	1,999	129,914	109,297
Total liabilities	<u>164,415</u>	<u>143,183</u>	<u>6,004</u>	<u>4,429</u>	<u>170,419</u>	<u>147,612</u>
Net assets invested in capital assets, net of related debt	47,627	35,969	4,653	5,519	52,280	41,488
Restricted	23,250	16,822	-	-	23,250	16,822
Unrestricted	<u>69,039</u>	<u>66,627</u>	<u>420</u>	<u>(361)</u>	<u>69,459</u>	<u>66,266</u>
Total net assets	<u>\$ 139,916</u>	<u>\$ 119,418</u>	<u>\$ 5,073</u>	<u>\$ 5,158</u>	<u>\$ 144,989</u>	<u>\$ 124,576</u>

\$52 million of the net assets balance represents investment in capital assets, net of related debt. Restricted net assets represent external restrictions placed upon assets of the Nation. The largest category of restricted net assets is related to net assets restricted for specific program purposes. Of the total net assets, \$69 million is reported as unrestricted net assets. The unrestricted net assets represent amounts available for future services for the Nation's citizens, obligations, and creditors.

At September 30, 2006, the Nation reported positive net assets for the government as a whole, as well as for its separate governmental and business-type activities.

### Changes in Net Assets

The Nation's net assets increased by \$21 million, or 17%, during the year. Total revenues for fiscal year ended September 30, 2006 were \$248 million. Total expenses of the Nation were \$227 million, which cover a variety of services. Approximately 38% of the total expenses were for health care for Tribal citizens. In total, governmental-type revenue exceeded expenses by \$21 million resulting in an increase in net assets. Net expenses for business-type activities exceeded revenues by \$85 thousand, resulting in a decrease in net assets. The changes in net assets during 2006 are as follows (in thousands):



**Cherokee Nation's Changes in Net Assets**

	<b>Governmental Activities</b>		<b>Business-Type Activities</b>		<b>Total</b>	
	<b>2006</b>	<b>2005</b>	<b>2006</b>	<b>2005</b>	<b>2006</b>	<b>2005</b>
<b>Revenues:</b>						
Program revenues:						
Charges for services	\$ 2,576	\$ 2,001	\$ 1,737	\$ 3,192	\$ 4,313	\$ 5,193
Operating grants and contributions	108,177	104,278	119	104	108,296	104,382
Capital grants and contributions	411	-	-	-	411	-
General revenues:						
Motor fuel tax	7,406	8,094	-	-	7,406	8,094
Motor vehicle tax	7,188	6,382	-	-	7,188	6,382
Tobacco tax and fees	7,063	3,133	-	-	7,063	3,133
Sales tax	1,144	686	-	-	1,144	686
Unrestricted investment earnings	5,941	3,011	334	52	6,275	3,063
Dividends from Component Units	25,444	17,919	-	-	25,444	17,919
Grants and contributions not restricted to specific programs	78,849	62,015	-	-	78,849	62,015
Miscellaneous	1,199	898	69	-	1,268	898
Equity interest in joint venture	-	184	-	-	-	184
Gain/(loss) on disposals	-	-	72	-	72	-
<b>Total revenues</b>	<b>245,398</b>	<b>208,601</b>	<b>2,331</b>	<b>3,348</b>	<b>247,729</b>	<b>211,949</b>
<b>Expenses:</b>						
Tribal government	16,433	17,023	-	-	16,433	17,023
Health Services	87,061	79,344	-	-	87,061	79,344
Education Services	36,588	33,429	-	-	36,588	33,429
Human Services	27,307	24,824	-	-	27,307	24,824
Community Services	42,867	35,060	-	-	42,867	35,060
Other Tribal Services	12,712	10,623	-	-	12,712	10,623
Interest on long-term debt	1,975	1,651	-	-	1,975	1,651
<b>Total governmental expenses</b>	<b>224,943</b>	<b>201,954</b>	<b>-</b>	<b>-</b>	<b>224,943</b>	<b>201,954</b>
Tsa-La-Gi Village Apartments	-	-	390	352	390	352
Landfill Operations	-	-	1,794	2,252	1,794	2,252
EDTA	-	-	182	127	182	127
Childhood Development Centers	-	-	-	1,048	-	1,048
Other Enterprises	-	-	7	15	7	15
<b>Total business-type expenses</b>	<b>-</b>	<b>-</b>	<b>2,373</b>	<b>3,794</b>	<b>2,373</b>	<b>3,794</b>
<b>Increase in net assets before transfers</b>	<b>20,455</b>	<b>6,647</b>	<b>(42)</b>	<b>(446)</b>	<b>20,413</b>	<b>6,201</b>
<b>Transfers</b>	<b>43</b>	<b>(2,889)</b>	<b>(43)</b>	<b>1,901</b>	<b>-</b>	<b>(988)</b>
<b>Change in net assets</b>	<b>20,498</b>	<b>3,758</b>	<b>(85)</b>	<b>1,455</b>	<b>20,413</b>	<b>5,213</b>
<b>Net assets—Beginning of year</b>	<b>119,418</b>	<b>115,660</b>	<b>5,158</b>	<b>3,703</b>	<b>124,576</b>	<b>119,363</b>
<b>Net assets—End of year</b>	<b>\$ 139,916</b>	<b>\$ 119,418</b>	<b>\$ 5,073</b>	<b>\$ 5,158</b>	<b>\$ 144,989</b>	<b>\$ 124,576</b>

As indicated earlier in this report, the increase in net assets in 2006 is largely attributable to the increase in capital assets, net of related debt. The Nation has invested approximately \$13 million in new construction projects, including the Sequoyah multi-purpose center and three health clinics.

## CAPITAL ASSETS AND DEBT ADMINISTRATION

The Nation's capital assets, net of depreciation, at the end of fiscal year 2006 were \$63 million. The Nation has no public domain (infrastructure) fixed assets. The following table presents details of the Nation's capital assets, net of depreciation (in thousands):

### Cherokee Nation's Capital Assets (net of depreciation) September 30, 2006

	Governmental Activities	Business-type Activities	Total
Land and improvements	\$ 10,715	\$ 81	\$ 10,796
Construction in Progress	19,496	-	19,496
Buildings and improvements	19,416	6,226	25,642
Equipment	6,816	454	7,270
Total capital assets	<u>\$ 56,443</u>	<u>\$ 6,761</u>	<u>\$ 63,204</u>

Additional information on the Nation's capital assets can be found in Note 8 on pages 54 - 56 of this report.

The Nation's long-term debt at the end of fiscal year 2006 was approximately \$41 million, primarily related to investments in capital assets and Title VI loan proceeds. The following is a summary of long-term debt at September 30, 2006 (in thousands):

	Governmental Activities	Business-type Activities	Total
Notes payable	\$ 36,258	\$ 3,647	\$ 39,905
Capital leases payable	600	-	600
Total long-term debt	<u>\$ 36,858</u>	<u>\$ 3,647</u>	<u>\$ 40,505</u>

The Nation, as a tribal government, has the ability to incur debt, similar to a state and local government. The Nation entered into an agreement with Bank One, guaranteed by the United States Department of Housing and Urban Development's Title VI program. The purpose of the credit facility was to loan money to the HACN who, in turn, used the money in the building of affordable housing for Tribal citizens. As of September 30, 2006, borrowings under this credit facility totaled approximately \$28,202,000.

Additional information on the Nation's long-term debt can be found in Note 9 on pages 57 - 62 of this report.

## SIGNIFICANT BUDGET VARIATIONS

The Nation's significant General Fund budget variations in 2006 were as follows (in thousands):

	Original Budget	Final Budget	Variance Increase/ (Decrease)	Percentage Increase/ (Decrease)	Actual		Variance Increase/ (Decrease)	Percentage Increase/ (Decrease)
<b>Revenues:</b>								
Taxes, licenses, and fees	10,299	12,587	2,288	22%	17,458	(1)	4,871	39%
Interest	1,300	1,396	96	7%	2,546	(2)	1,150	82%
Indirect cost settlement	-	-	-	-	2,201	(3)	2,201	
Dividends from component unit	18,600	23,000	4,400	24%	25,444	(4)	2,444	11%
<b>Expenditures</b>								
Tribal government	14,767	17,291	2,524	17%	10,543	(5)	(6,748)	(39%)
Member services	29,360	40,117	10,757	37%	24,884	(6)	(15,233)	(38%)
Capital outlay	4,651	5,825	1,174	25%	3,184	(7)	(2,641)	(45%)

The Nation's Tribal Council approves a comprehensive annual budget prior to the beginning of the fiscal year. During the year, budget modifications are submitted to Council based on changes in levels of actual revenue and expenses. The increase in Taxes, Licenses and fees is primarily the result of new legislation passed during 2006 adding a tobacco surtax. The increase in budgeted dividends from component units is the result of increased profit at Cherokee Nation Enterprises, LLC.

Variances between actual and final budget are as follows:

- (1) Taxes and fees generated approximately \$2.8 million more than anticipated in the budget, primarily from tobacco taxes. Motor vehicle licenses revenue exceeded budget by approximately \$2.1 million partially attributable to the addition of additional tag offices throughout the Nation's jurisdictional area.
- (2) Interest income was greater than budget, primarily due to increases in investment rates during 2006.
- (3) The indirect cost settlement was not anticipated in the budgeted revenues for 2006.
- (4) Component units are generally subject to a dividend based on net income. Dividends from component units were higher due to increased profits.
- (5) Expenditures for Tribal Government were less than budget primarily as a result of Contingencies reserves and Cash match for grants which were budgeted, but not expended. Communications projects expenditures totaling \$1.2 million were delayed due to timing.
- (6) Expenditures for Member Services were less than budget primarily as a result of timing on several projects.
- (7) Capital outlays were less than budget due to timing on land acquisitions.

## **ECONOMIC FACTORS AND NEXT YEAR'S BUDGET**

The Nation is currently in the process of several major projects, which will influence the future of the Nation. Health Services facilities are under construction in Sallisaw, Nowata and Muskogee. The health construction projects are being funded, in part, through the Nation's 2006 Health Care System Series 2006 Bond's which were issued in December, 2006. The debt service for these bonds will be funded from third party revenue from the health clinic operations. Community Services will continue to provide affordable housing for Tribal citizens through housing rehabilitation, mortgage assistance programs and rental subsidies. Budgeted expenditures and transfers for the Nation's General Fund for fiscal year 2007 total \$88 million, approximately \$.2 million more than the final amounts budgeted for fiscal year 2006.

During 2006, there were significant new entries to the gaming market in Oklahoma City as well as expansions completed along the Oklahoma and Texas borders. While these additions to the market are not direct competitors, they do offer competition for the regional customer. Announcements and groundbreaking by other tribes in the Tulsa market provide direct competition for the Nation's Catoosa casino operated by Cherokee Nation Enterprises, LLC ("CNE"). To address the competitive factors, CNE has begun an aggressive growth and development strategy for its flagship properties. Expansion plans have been announced for Roland, West Siloam Springs and Catoosa with these developments coming on line in 2008 and 2009. In addition to expansions, CNE also continues its innovative approach to offering the newest gaming options available as well as development of proprietary games. CNE has also started initiatives to improve loyalty within its existing customer base including targeted marketing and rewards programs.

## **CONTACTING THE NATION'S FINANCIAL MANAGEMENT**

This financial report is designed to provide a general overview of the Nation's finances to its citizens, customers, creditors, and other interested parties. Questions concerning any of the information contained in this report or requests for additional financial information should be directed to the Nation's Controller's Office, Post Office Box 809, Tahlequah, Oklahoma, 74465.

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# BASIC FINANCIAL STATEMENTS

CHEROKEE NATION  
COMPREHENSIVE ANNUAL FINANCIAL REPORT

# GOVERNMENT-WIDE FINANCIAL STATEMENTS

CHEROKEE NATION  
COMPREHENSIVE ANNUAL FINANCIAL REPORT

# CHEROKEE NATION

## STATEMENT OF NET ASSETS SEPTEMBER 30, 2006 (Dollars in Thousands)

	Primary Government			Component Units
	Governmental Activities	Business-type Activities	Total	
<b>Assets</b>				
Cash and cash equivalents	\$ 163,139	\$ 1,840	\$ 164,979	\$ 74,981
Investments	15,801	-	15,801	28,525
Accounts receivable, net	14,293	718	15,013	22,220
Interest receivable	-	-	-	487
Mortgages receivable, Title VI and partnerships, current	-	-	-	557
Due from other funds - Internal Balances	2,138	(2,138)	-	-
Due from primary government	-	-	-	1,265
Inventories	777	-	777	10,208
Refundable income taxes	-	-	-	477
Prepaid expenses	-	-	-	367
Notes receivable	2,003	238	2,241	2,098
Deferred income taxes	-	-	-	637
Other current assets	1,409	2	1,411	2,683
Restricted cash, cash equivalents and investments	22,054	2,050	24,104	13,420
Long-term notes receivable	26,194	1,606	27,800	1,287
Long-term mortgages receivable, Title VI and partnerships	-	-	-	27,556
Other assets	78	-	78	901
Investment in joint ventures/partnerships	-	-	-	2,040
Capital assets, non depreciable	30,318	81	30,399	45,189
Capital assets, depreciable, net	26,125	6,680	32,805	191,876
<b>Total assets</b>	<b>304,331</b>	<b>11,077</b>	<b>315,408</b>	<b>426,774</b>
<b>Liabilities</b>				
Outstanding checks in excess of bank balance	-	-	-	1,984
Accounts payable and accrued liabilities	15,063	49	15,112	45,246
Due to component units	1,265	-	1,265	-
Compensated absences	3,884	-	3,884	-
Other current liabilities	2,558	18	2,576	-
Unearned revenue	677	300	977	-
Unearned grant revenue	104,110	-	104,110	-
Notes payable and long-term debt	-	-	-	-
Due within one year	4,691	312	5,003	2,517
Due in more than one year	31,567	3,335	34,902	35,402
Capital leases	-	-	-	-
Due within one year	348	-	348	-
Due in more than one year	252	-	252	-
Trust liabilities	-	-	-	10,775
Deferred income taxes	-	-	-	76
Other noncurrent liabilities	-	1,590	1,590	-
<b>Total liabilities</b>	<b>164,415</b>	<b>6,004</b>	<b>170,419</b>	<b>96,732</b>
<b>Net Assets</b>				
Invested in capital assets, net of related debt	47,627	4,653	52,280	231,798
Restricted for				
Motor vehicle tax	5,255	-	5,255	-
Tobacco surtax	2,203	-	2,203	-
Permanent Funds - expendable	102	-	102	-
Permanent Funds - nonexpendable	425	-	425	-
Judgment funds - nonexpendable	2,734	-	2,734	-
Construction	972	-	972	-
Arkansas River Drybed Lands Settlement	1,578	-	1,578	-
Debt service	-	-	-	2,528
Program services	9,981	-	9,981	22,258
Unrestricted net assets	69,039	420	69,459	71,958
<b>Total net assets</b>	<b>\$ 139,916</b>	<b>\$ 5,073</b>	<b>\$ 144,989</b>	<b>\$ 336,042</b>

See notes to basic financial statements



# CHEROKEE NATION

## STATEMENT OF ACTIVITIES FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

Functions/Programs	Program Revenues			Net (Expense) Revenue and Changes in Net Assets		
	Primary Government			Primary Government		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities
Primary Government:						
Governmental activities:						
Tribal Government	\$ 16,431	\$ 4	\$ 1,624	\$ 323	\$ (14,482)	\$ -
Health Services	87,061	-	31,376	-	(55,685)	-
Education Services	36,588	-	25,709	-	(10,879)	-
Human Services	27,307	-	21,695	-	(5,612)	-
Community Services	42,867	-	24,085	-	(18,782)	-
Other Tribal Services	12,712	2,572	3,688	98	(6,364)	-
Interest on long-term debt	1,975	-	-	-	(1,975)	-
Total governmental activities	224,943	2,576	106,177	411	(113,779)	-
Business-type activities:						
Ten-Ls-Gi Apartments	390	492	-	-	-	102
Landfill Operations	1,794	1,216	-	-	(578)	(578)
EDTA	182	23	119	-	(40)	(40)
Other Enterprises	7	6	-	-	(1)	(1)
Total business-type activities	2,373	1,737	119	-	(517)	(517)
Total primary government	\$ 227,316	\$ 4,313	\$ 106,296	\$ 411	(113,779)	(114,296)
Component Units:						
Trustee Authority of the Cherokee Nation (THACT)	\$ 29,657	\$ 6,367	\$ 20,003	\$ -	-	(3,287)
Cherokee Nation Comprehensive Care Agency (CNCCA)	90	-	832	-	-	742
Cherokee Nation Industries Inc. (CNIT)	99,101	99,039	-	-	-	(42)
Cherokee Nation Business, LLC (CNBS)	295,094	253,417	-	-	-	58,379
Cherokee Nation Home Health Services, Inc. (CNHHS)	3,172	3,106	-	-	-	(66)
Total component units	\$ 427,058	\$ 461,949	\$ 20,835	\$ -	-	55,236
General Revenues:						
Motor fuel tax					7,406	-
Motor vehicle tax					7,188	-
Tobacco tax					7,063	-
Sales tax					1,144	-
Grants and contributions not restricted to specific programs					78,849	-
Unrestricted investment earnings					5,941	4,513
Dividends from component units					6,275	-
Miscellaneous revenue					25,444	-
Gain/(loss) on investments in joint venture					1,199	322
Loss on investment in equity investees					-	(580)
Gain/(loss) on disposals					-	(4,660)
Transfers					43	345
Capital contributions					-	-
Total general revenues and transfers					134,277	40
Change in net assets					20,498	55,266
Net assets, beginning					119,418	274,276
Net assets, ending					\$ 139,916	\$ 330,042

# FUND FINANCIAL STATEMENTS

**CHEROKEE NATION**
**BALANCE SHEET - GOVERNMENTAL FUNDS**
**SEPTEMBER 30, 2006**

(Dollars in Thousands)

	General	Self Governance DOI Roads	Self Governance DHHS	Housing & Urban Development	Sequoyah Education	Other Governmental Funds	Total Governmental Funds
<b>ASSETS</b>							
Cash and cash equivalents	\$ 26,726	\$ 29,820	\$ 21,699	\$ 37,564	\$ 15,578	\$ 30,591	\$ 161,978
Investments	-	7,417	-	-	-	8,384	15,801
Receivables, net	5,676	52	401	3	-	2,753	8,885
Due from other funds	32,868	-	-	1,055	-	2,458	36,381
Due from component units	-	-	-	-	-	-	-
Inventories	14	-	-	-	-	652	666
Notes receivable	-	-	-	-	-	149	149
Other current assets	164	-	634	-	-	448	1,246
Restricted cash, cash equivalents and investments	18,915	-	-	-	-	2,140	21,055
<b>Total assets</b>	<b>\$ 84,363</b>	<b>\$ 37,289</b>	<b>\$ 22,734</b>	<b>\$ 38,622</b>	<b>\$ 15,578</b>	<b>\$ 47,575</b>	<b>\$ 246,161</b>
<b>LIABILITIES AND FUND BALANCES</b>							
<b>LIABILITIES:</b>							
Accounts payable and accrued liabilities	\$ 7,919	\$ -	\$ 2,141	\$ -	\$ -	\$ 993	\$ 11,058
Due to other funds	3,585	1,919	9,698	-	1,377	15,021	31,600
Due to component units	-	-	-	1,238	-	27	1,265
Other current liabilities	1	-	-	-	-	544	545
Deferred grant revenue	-	35,365	3,198	37,384	13,460	14,703	104,110
Deferred revenue	-	-	-	-	-	677	677
<b>Total liabilities</b>	<b>11,505</b>	<b>37,289</b>	<b>15,037</b>	<b>38,622</b>	<b>14,837</b>	<b>31,965</b>	<b>149,255</b>
<b>FUND BALANCES:</b>							
<b>Fund balance:</b>							
Reserved for debt service	-	-	-	-	-	-	-
Reserved by Legislative Act (Note 12):	-	-	-	-	-	-	-
Motor fuel tax	24,674	-	-	-	-	-	24,674
Cash reserve	1,256	-	-	-	-	-	1,256
Tobacco retailers loan fund	1,000	-	-	-	-	-	1,000
Arkansas Riverbed settlement	1,894	-	-	-	-	-	1,894
Tribal judgements and trusts	-	-	-	-	-	9,653	9,653
Reserved by external sources and enabling legislation:	-	-	-	-	-	-	-
Grant programs	-	-	7,697	-	741	1,543	9,981
Motor vehicle tax	5,255	-	-	-	-	-	5,255
Tobacco surtax	2,203	-	-	-	-	-	2,203
Permanent funds	-	-	-	-	-	527	527
Judgment funds	-	-	-	-	-	4,312	4,312
Unreserved (Note 12)	36,576	-	-	-	-	(524)	36,052
<b>Total fund balances</b>	<b>72,858</b>	<b>-</b>	<b>7,697</b>	<b>-</b>	<b>741</b>	<b>15,610</b>	<b>96,906</b>
<b>Total liabilities and fund balances</b>	<b>\$ 84,363</b>	<b>\$ 37,289</b>	<b>\$ 22,734</b>	<b>\$ 38,622</b>	<b>\$ 15,578</b>	<b>\$ 47,575</b>	

Amounts reported for governmental activities in the statement of net assets are different because:

Capital assets, net of accumulated depreciation, used in governmental activities are not financial resources and therefore are not reported in the funds.

Assets recorded in government-wide financial statements that are not available to pay for current period expenditures, therefore, are not recorded in the funds.

Internal service funds are used by management to charge the costs of certain activities to individual funds. The assets and liabilities, including bonds payable, of the internal service funds are included in the governmental activities in the Statement of Net Assets.

Liabilities that are not due and payable in the current period and therefore are not reported in the funds.

Net assets of governmental activities

**\$ 139,916**

See notes to basic financial statements

CHEROKEE NATION

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES -  
GOVERNMENTAL FUNDS  
FOR THE YEAR ENDED SEPTEMBER 30, 2006  
(Dollars in Thousands)

	General	Self Governance DOI Roads	Self Governance DHHS	Housing & Urban Development	Sequoyah Education	Other Governmental Funds	Total Governmental Funds
<b>Revenues:</b>							
Intergovernmental	\$ -	\$ 10,844	\$ 56,785	\$ 22,889	\$ 5,973	\$ 69,761	\$ 166,252
Property rentals	513	-	-	-	-	-	513
Motor fuel tax revenues	7,406	-	-	-	-	-	7,406
Tax and license revenues	17,458	-	-	-	-	-	17,458
Interest	2,546	690	1,251	1,334	384	3,446	9,651
Trust fund income	104	-	-	-	-	-	104
Indirect cost settlement	2,201	-	-	-	-	-	2,201
Dividends from component units	25,444	-	-	-	-	-	25,444
Other	1,378	2	12,854	5	28	7,935	22,202
<b>Total revenues</b>	<b>57,050</b>	<b>11,536</b>	<b>70,890</b>	<b>24,228</b>	<b>6,385</b>	<b>81,142</b>	<b>251,231</b>
<b>Expenditures:</b>							
Current operating:							
Tribal Government	\$10,543	-	403	1,043	-	3,040	15,029
Health Services	5,315	-	60,880	-	-	18,333	84,528
Education Services	6,447	-	-	488	6,461	22,392	35,788
Human Services	1,524	-	-	1,079	-	24,236	26,839
Community Services	5,245	10,750	3,567	21,068	-	1,790	42,420
Other tribal services	6,353	-	39	480	-	4,917	11,789
Debt services:							
Principal	263	-	-	-	-	2,854	3,117
Interest	71	-	-	-	-	1,748	1,819
Capital outlay	3,184	17	674	34	7	14,246	18,162
<b>Total expenditures</b>	<b>38,945</b>	<b>10,767</b>	<b>65,563</b>	<b>24,192</b>	<b>6,468</b>	<b>93,556</b>	<b>239,491</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>18,105</b>	<b>769</b>	<b>5,327</b>	<b>36</b>	<b>(83)</b>	<b>(12,414)</b>	<b>11,740</b>
<b>Other financing sources (uses):</b>							
Issuance of long-term debt	-	-	-	-	-	4,260	4,260
Fees associated with debt issuance	-	-	-	-	-	128	128
Insurance recoveries	10	-	-	-	12	5	27
Transfers in	6,229	-	50	67	426	10,653	17,425
Transfers out	(10,453)	(1,352)	(2,984)	(103)	-	(3,028)	(17,920)
<b>Total other financing sources (uses)</b>	<b>(4,214)</b>	<b>(1,352)</b>	<b>(2,934)</b>	<b>(36)</b>	<b>438</b>	<b>12,018</b>	<b>3,920</b>
<b>Net change in fund balances</b>	<b>13,891</b>	<b>(583)</b>	<b>2,393</b>	<b>-</b>	<b>355</b>	<b>(396)</b>	<b>15,660</b>
<b>Fund balance, October 1, 2005</b>	<b>55,967</b>	<b>583</b>	<b>5,304</b>	<b>-</b>	<b>286</b>	<b>16,006</b>	<b>81,246</b>
<b>Fund balance, September 30, 2006</b>	<b>\$ 72,858</b>	<b>\$ -</b>	<b>\$ 7,697</b>	<b>\$ -</b>	<b>\$ 741</b>	<b>\$ 15,610</b>	<b>\$ 96,906</b>

See notes to basic financial statements

## CHEROKEE NATION

### RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

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Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances - total governmental funds	\$ 15,660
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period.	16,266
Movement of equity of joint venture to a discretely presented component unit in the current year that was recorded in the government-wide statements in prior years.	(332)
Revenues previously reported in the statement of activities that did not provide current financial resources were not previously reported as revenues in the funds. These revenues are now presented in the fund statements as they become available	(5,858)
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the Statement of Activities. This amount is the net effect of these differences in the treatment of long-term debt and related items.	(1,271)
Some expenses are reported in the Statement of Activities when incurred and presented in the governmental funds when paid	(330)
The internal service funds are used to account for those activities which provide services to other functions within the government. These costs are allocated to the governmental funds in the government-wide financial statements. This amount is the net effect of the allocations.	<u>(3,637)</u>
Change in net assets of governmental activities	<u>\$ 20,498</u>

See notes to basic financial statements

# CHEROKEE NATION

## STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL (GAAP BASIS) - GENERAL FUND FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

	Budgeted Amounts		Actual	Variance with Final Budget over/(under)
	Original	Final		
Revenues:				
Property rentals	\$ 98	\$ 109	\$ 513	\$ 404
Motor fuel tax	7,484	7,484	7,406	(78)
Taxes, licenses, and fees	10,299	12,587	17,458	4,871
Interest	1,300	1,396	2,546	1,150
Trust fund income	60	60	104	44
Indirect cost settlement	-	-	2,201	2,201
Dividends from component units	18,600	23,000	25,444	2,444
Other	1,126	1,954	1,378	(576)
Total revenues	38,967	46,590	57,050	10,460
Expenditures:				
Tribal government	14,767	17,291	10,543	(6,748)
Member services	29,360	40,117	24,884	(15,233)
Capital outlay	4,651	5,825	3,184	(2,641)
Debt service	980	1,128	334	(794)
Total expenditures	49,758	64,361	38,945	(25,416)
Excess (deficiency) of revenues over expenditures	(10,791)	(17,771)	18,105	35,876
Other financing sources (uses):				
Insurance recoveries	-	-	10	10
Transfers in	13,889	17,823	6,229	(11,594)
Transfers out	(19,094)	(23,355)	(10,453)	12,902
Total other financing sources (uses)	(5,205)	(5,532)	(4,214)	1,318
Excess (deficiency) of revenues and other financing sources over expenditures	(15,996)	(23,303)	13,891	37,194
Fund balance, October 1, 2005	58,967	58,967	58,967	-
Fund balance, September 30, 2006	\$ 42,971	\$ 35,664	\$ 72,858	\$ 37,194

See notes to basic financial statements

# CHEROKEE NATION

## STATEMENT OF NET ASSETS - PROPRIETARY FUNDS

SEPTEMBER 30, 2006

(Dollars in Thousands)

	Business-type Activities- Enterprise Funds		Governmental Activities- Internal Service Funds
	Nonmajor Enterprise Funds	Totals	
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 1,840	\$ 1,840	\$ 1,161
Accounts receivable, net	718	718	241
Due from other funds	72	72	-
Inventories	-	-	111
Notes receivable, current	238	238	-
Other current assets	2	2	163
Total current assets	2,870	2,870	1,676
Noncurrent assets:			
Restricted cash and cash equivalents	2,050	2,050	999
Long-term notes receivable	1,606	1,606	-
Capital assets, net	6,761	6,761	11,646
Total noncurrent assets	10,417	10,417	12,645
Total assets	13,287	13,287	14,321
<b>LIABILITIES</b>			
Current liabilities:			
Accounts payable and accrued liabilities	49	49	3,645
Current portion of long-term debt	312	312	476
Current portion of capital leases	-	-	348
Due to other funds	2,210	2,210	2,643
Compensated absences	-	-	3,884
Other current liabilities	18	18	2,013
Total current liabilities	2,589	2,589	13,009
Noncurrent liabilities:			
Unearned revenue	300	300	-
Long-term debt	3,335	3,335	3,058
Capital leases payable	-	-	252
Other liabilities	1,909	1,909	-
Total noncurrent liabilities	5,544	5,544	3,310
Total liabilities	8,133	8,133	16,319
<b>NET ASSETS</b>			
Invested in capital assets, net of related debt	4,653	4,653	7,512
Restricted	-	-	972
Unrestricted net assets/(deficit)	501	501	(10,482)
Total net assets/(deficit)	\$ 5,154	5,154	\$ (1,998)

Adjustment to reflect the consolidation of Internal Service Funds activities related to Enterprise Funds (81)

Net assets of business-type activities \$ 5,073

See notes to basic financial statements

# CHEROKEE NATION

## STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS - PROPRIETARY FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006

(Dollars in Thousands)

	Business-type Activities- Enterprise Funds		Governmental Activities- Internal Service Funds
	Nonmajor Enterprise Funds	Totals	
Operating revenues:			
Property rentals	\$ 486	\$ 486	\$ 3
Charges for services and goods	1,222	1,222	59,371
Other	29	29	221
Total operating revenues	1,737	1,737	59,595
Operating expenses:			
Cost of sales	-	-	(4)
Salaries and wages	626	626	50,375
Other services and charges	577	577	10,452
Materials and supplies	18	18	1,655
Depreciation and amortization	969	969	1,347
Total operating expenses	2,190	2,190	63,825
Operating income (loss)	(453)	(453)	(4,230)
Nonoperating revenues (expenses):			
Grant revenues	119	119	-
Interest income	334	334	25
Interest expense	(135)	(135)	(156)
Other sources	69	69	-
Gain/(loss) on sale of capital assets	72	72	138
Net nonoperating revenues (expenses)	459	459	7
Income (loss) before transfers	6	6	(4,223)
Transfers in	91	91	538
Transfers out	(134)	(134)	-
Change in net assets	(37)	(37)	(3,685)
Total net assets - beginning	5,191		1,687
Total net assets - ending	\$ 5,154		\$ (1,998)
Adjustment to reflect the consolidation of Internal Service Funds activities related to Enterprise Funds		(48)	
Change in net assets of business-type activities		\$ (85)	

See notes to basic financial statements



# CHEROKEE NATION

## STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006

(Dollars in Thousands)

	Business-type Activities- Enterprise Funds		Governmental Activities- Internal Service Funds
	Nonmajor Enterprise Funds	Total	
Cash flows from operating activities:			
Receipts from customers	\$ 1,708	\$ 1,708	\$ 59,374
Payments to suppliers	(648)	(648)	(12,301)
Payments to employees	(626)	(626)	(50,375)
Internal activity, net - payments (to)/from other funds	(669)	(669)	3,070
Program loans	(442)	(442)	-
Other receipts	30	30	1,448
Net cash provided/(used) by operating activities	(647)	(647)	1,216
Cash flows from noncapital financing activities			
Operating subsidies and transfers (to)/from other funds	(43)	(43)	538
Grant revenues	119	119	-
Receipts from other sources	69	69	-
Net cash provided by noncapital financing activities	145	145	538
Cash flows from capital and related financing activities			
Purchases of capital assets	(879)	(879)	(868)
Proceeds from capital debt	1,783	1,783	758
Principal paid on capital debt	(566)	(566)	(1,056)
Interest paid on capital debt	(135)	(135)	(156)
Proceeds from sales of capital assets	72	72	300
Net cash (used) by capital and related financing activities	275	275	(1,022)
Cash flows from investing activities			
Proceeds from sale of investments	11	11	-
Interest and dividends	334	334	25
Net cash provided by investing activities	345	345	25
Net increase (decrease) in cash and cash equivalents	118	118	757
Cash and cash equivalents, October 1, 2005	3,772	3,772	1,403
Cash and cash equivalents, September 30, 2006	\$ 3,890	\$ 3,890	\$ 2,160
Cash and Cash Equivalents consist of:			
Unrestricted cash and cash equivalents	\$ 1,840	\$ 1,840	\$ 1,161
Restricted cash and cash equivalents	2,050	2,050	999
	\$ 3,890	\$ 3,890	\$ 2,160
Reconciliation of operating income (loss) to net cash provided (used) by operating activities:			
Operating income (loss)	\$ (453)	\$ (453)	\$ (4,230)
Adjustments to reconcile operating income to net cash provided (used) by operating activities:			
Depreciation expense	969	969	1,347
Change in assets and liabilities:			
Receivables, net	(862)	(862)	1,880
Inventories	-	-	7
Other current assets	-	-	9
Accounts and other payables	(301)	(301)	2,203
Net cash provided by (used for) operating activities	\$ (647)	\$ (647)	\$ 1,216

See notes to basic financial statements

# CHEROKEE NATION

COMBINING STATEMENT OF NET ASSETS - COMPONENT UNITS  
 SEPTEMBER 30, 2006 (JUNE 30, 2006 for CNI)  
 (Dollars in Thousands)

	Housing Authority of the Cherokee Nation (HACN)	Cherokee Nation Comprehensive Care Agency (CNCCA)	Cherokee Nation Industries Inc. (CNI)	Cherokee Nation Businesses LLC (CNB)	Cherokee Nation HomeHealth Services, Inc. (CNHHS)	Total
<b>ASSETS</b>						
Current assets:						
Cash and cash equivalents	\$ 8,038	\$ 491	\$ 549	\$ 65,714	\$ 189	\$ 74,981
Restricted cash	-	-	-	1,960	-	1,960
Investments	13,527	-	-	14,998	-	28,525
Receivables, net	809	-	16,514	4,476	421	22,220
Interest receivable	487	-	-	-	-	487
Mortgages receivable-Title VI	557	-	-	-	-	557
Due from primary government	1,265	-	-	-	-	1,265
Inventories	675	-	7,688	1,845	-	10,208
Refundable income taxes	-	-	477	-	-	477
Prepaid Expenses	199	-	157	-	11	367
Notes receivable	-	-	-	2,098	-	2,098
Deferred income taxes	-	-	637	-	-	637
Other current assets	173	-	-	2,510	-	2,683
Total current assets	25,730	491	26,022	93,601	621	146,465
Restricted investments	11,460	-	-	-	-	11,460
Notes receivable	146	-	-	1,141	-	1,287
Mortgages receivable-Title VI and partnerships	27,556	-	-	-	-	27,556
Other assets	641	-	260	-	-	901
Investment in partnerships/joint ventures	1,380	472	-	188	-	2,040
Capital assets, net	83,826	-	882	151,827	528	237,065
Total assets	150,741	963	27,164	246,757	1,149	426,774
<b>LIABILITIES</b>						
Current liabilities:						
Outstanding checks in excess of bank balance	-	-	1,984	-	-	1,984
Accounts payable and accrued liabilities	1,215	12	7,392	36,419	208	45,246
Current portion of long-term debt	-	-	478	-	179	657
Deferred revenue	701	-	-	-	22	723
Current portion of notes payable	1,860	-	-	-	-	1,860
Other current liabilities	9	-	-	-	-	9
Total current liabilities	3,785	12	9,854	36,419	409	50,479
Long-term debt	-	-	8,709	-	359	9,068
Trust Liabilities	10,775	-	-	-	-	10,775
Notes Payable	26,334	-	-	-	-	26,334
Deferred income taxes	-	-	76	-	-	76
Total liabilities	40,894	12	18,639	36,419	768	96,732
<b>NET ASSETS</b>						
Invested in capital assets, net of related debt	83,681	-	882	147,102	133	231,798
Restricted for:						
Debt service	2,528	-	-	-	-	2,528
Construction	-	-	-	1,500	-	1,500
Program services	22,258	-	-	-	-	22,258
Unrestricted net assets	1,380	951	7,643	61,736	248	71,958
Total net assets (deficit)	\$ 109,847	\$ 951	\$ 8,525	\$ 210,338	\$ 381	\$ 330,042

See notes to basic financial statements

# CHEROKEE NATION

## COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS - COMPONENT UNITS FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Year ended June 30, 2006 for CNI) (Dollars in Thousands)

	Housing Authority of the Cherokee Nation (HACN)	Cherokee Nation Comprehensive Care Agency (CNCCA)	Cherokee Nation Industries Inc. (CNI)	Cherokee Nation Businesses LLC (CNB)	Cherokee Nation HomeHealth Services, Inc. (CNHHS)	Total
Operating revenues:						
Charges for services and goods	\$ 6,367	\$ -	\$ 99,059	\$ 353,417	\$ 3,106	\$ 461,949
Gain (loss) on investments in joint ventures	-	208	-	(788)	-	(580)
Other	386	-	-	-	4	390
Total operating revenues	6,753	208	99,059	352,629	3,110	461,759
Operating expenses:						
Cost of sales/operations	10,995	8	87,054	84,320	-	182,377
Salaries and wages	5,019	36	-	104,042	2,213	111,310
Housing assistance	6,037	-	-	-	-	6,037
Other services and charges	802	46	11,430	64,526	926	77,730
Depreciation and amortization	5,060	-	-	16,215	17	21,292
Total operating expenses	27,913	90	98,484	269,103	3,156	398,746
Operating income (loss)	(21,160)	118	575	83,526	(46)	63,013
Nonoperating revenues (expenses)						
Grant revenue	20,003	-	-	-	-	20,003
Funding provided by primary government	-	832	-	-	-	832
Interest/investment income	2,120	1	27	2,358	7	4,513
Interest expense	(1,744)	-	(774)	(80)	(16)	(2,614)
Loss on investment in equity investees	-	-	(4,560)	-	-	(4,560)
Allowance for uncollectible accounts	-	-	-	-	-	-
Debt forgiveness	-	-	-	-	-	-
Gain/(loss) on disposal of assets	807	-	-	(462)	-	345
Other, net	-	-	(61)	(7)	-	(68)
Net nonoperating revenues (expenses)	21,186	833	(5,368)	1,809	(9)	18,451
Income (loss) before income taxes	26	951	(4,793)	85,335	(55)	81,464
Income tax benefit (expense)	-	-	157	-	-	157
Net Income (loss)	26	951	(4,636)	85,335	(55)	81,621
Dividends to primary government	-	-	-	(25,444)	-	(25,444)
Capital grants to primary government	-	-	-	(411)	-	(411)
Change in net assets	26	951	(4,636)	59,480	(55)	55,766
Net assets, beginning of year	109,821	-	13,161	150,858	436	274,276
Net assets, end of year	\$ 109,847	\$ 951	\$ 8,525	\$ 210,338	\$ 381	\$ 330,042

See notes to basic financial statements

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# NOTES TO BASIC FINANCIAL STATEMENTS

**CHEROKEE NATION  
NOTES TO BASIC FINANCIAL STATEMENTS  
YEAR ENDED SEPTEMBER 30, 2006.**

**1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The basic financial statements of the Cherokee Nation (the "Nation") have been prepared in conformity with accounting principles generally accepted in the United States of America ("GAAP") as applied to government units. The Governmental Accounting Standards Board ("GASB") is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. With respect to proprietary activities, including component units, the Nation has adopted GASB Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Government Entities That Use Proprietary Fund Accounting*. The Nation has elected to apply all applicable GASB pronouncements, as well as Financial Accounting Standards Board ("FASB") pronouncements and Accounting Principles Board ("APB") Opinions issued on or before November 30, 1989, unless those pronouncements conflict with, or contradict, GASB pronouncements.

**Reporting Entity** — The Nation is a tribal organization with Executive, Legislative, and Judicial Branches. The basic financial statements of the Nation present the reporting entity, which consists of the primary government, organizations for which the primary government is financially accountable, and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion could cause the Nation's basic financial statements to be misleading or incomplete. Accordingly, the accompanying basic financial statements reflect the financial position and the operations of the Cherokee Nation received, disbursed, or in the custody of the Nation or the Bureau of Indian Affairs ("BIA") and the United States Treasury, as its trustee, as well as all other funds and activities over which the Nation exercises financial accountability. The Nation's basic financial statements do not include the financial position or activities of various federal and state governmental agencies operating within tribal lands. The Nation determines its financial reporting entity in accordance with Governmental Accounting Standards Board Statement No. 14, "The Financial Reporting Entity," as amended by GASB No. 39, and based on that criterion, has included the following entities as component units within the Nation's basic financial statements:

**Discretely Presented Component Units**—The component units' columns in the government-wide financial statements includes the financial data of the Nation's discretely presented component units. These discretely presented component units are reported in a separate column to emphasize that they are legally separate from the primary government. Part of the determination for presenting them as discretely presented component units is that they do not have substantially the same governing body as the primary government nor do they provide services entirely or almost entirely to the primary government or for the benefit of the primary government. The following component units are included in the reporting entity because the primary government is financially accountable for and is able to impose its will on these organizations.

**Housing Authority of the Cherokee Nation of Oklahoma** — The Housing Authority of the Cherokee Nation of Oklahoma ("HACN") was created under the provisions of the laws of the State of Oklahoma and provides affordable housing and other services to low income Native Americans within the boundaries of the Nation. Effective October 1, 1997, the Native American Housing Assistance and Self-Determination Act ("NAHASDA") was implemented. The purpose of NAHASDA is to provide Federal assistance for Indian tribes in a manner that recognizes the right of Indian self-determination and tribal self governance. The Commissioners of the Housing Authority are nominated by the Principal Chief and confirmed by the Council of the Cherokee Nation. In September 2000, the Tribal Council of the Nation approved a legislative act that resulted in the Nation becoming the direct recipient of Department of Housing and Urban Development ("HUD")

funds formerly received directly by the HACN. Concurrent with this legislative act, the Nation and the HACN entered into a memorandum of understanding ("MOU") whereby the Nation agreed to pass through to the HACN a significant portion of the NAHASDA grant funds received by the Nation from HUD. Under the MOU, the Nation is responsible for oversight and compliance of the funds passed through to the HACN. As a result, HACN is considered to be a component unit of the Nation.

**Cherokee Nation Business, LLC** — Cherokee Nation Business, LLC. ("CNB"), a tribal limited liabilities company, was created June 16, 2004, to provide shared services and strategic coordination to the Nation's business entities and to diversify the Nation's business holdings and act as a holding corporation for certain Nation investments in business enterprises. The Nation created CNB and is able to exert significant influence over CNB's activities as a result of its relationship to CNB and board member appointments. As of September 30, 2006, CNB held an interest in the following entities:

**Cherokee Nation Enterprises, LLC ("CNE")** — CNE is a limited liability company organized under the laws of the Cherokee Nation (the Nation). The Nation conducts all of its gaming and entertainment activities through CNE. Prior to July 14, 2006, CNE was a wholly owned tribal corporation of the Nation. On that date, CNE was converted from a corporation to a tribal limited liability company, and ownership was transferred from the Nation to CNB. For reporting purposes, CNE is included as a blended component unit of CNB which is a discrete component unit of the Nation. CNE operates six casinos, a horse racing facility with electronic gaming machines, two retail smoke shop facilities that include electronic gaming machines and other retail facilities including an additional smoke shop, convenience stores and gift shops. CNE's gaming and entertainment operations include food and beverage venues, hotels and motels, live entertainment venues and an 18-hole golf course. CNE is managed through a board of directors appointed by the Principal Chief of the Nation and approved by the Cherokee Nation Tribal Council. CNE has two of its own blended component units as follows:

**Will Rogers Downs, LLC (WRD)** — WRD is a limited liability company organized under the laws of the Cherokee Nation created to own and operate a horse racing and gaming facility and ancillary activities on nontribal lands in Claremore, Oklahoma. CNE is the sole member owning 100% of the units of WRD. The president of CNE is the designated manager of WRD. Based on the foregoing criteria and in compliance with the provisions of Governmental Accounting Standards Board (GASB) No. 14, *The Financial Reporting Entity*, WRD is included as a blended component unit in CNE's financial statements. Pursuant to the Act, WRD commenced electronic gaming and simulcast wagering operations in December 2005. In addition, WRD held its first live race meet during 2006. Prior to that time, WRD had limited operating activities. Separately issued financial statements with additional disclosures may be obtained from CNE's corporate office.

**Cherokee Hotels, LLC (CHL)** — CHL is a limited liability company, created on May 23, 2006, under the laws of the Cherokee Nation to own and operate two motels in Catoosa and Roland, Oklahoma. CNE is the sole member owning 100% of the units of CHL. The president of CNE is the designated manager of CHL. Based on the foregoing criteria and in compliance with the provisions of Governmental Accounting Standards Board (GASB) No. 14, *The Financial Reporting Entity*, CHL is included as a blended component unit in CNE's financial statements.

**Cherokee Technologies, LLC ("CT")** — CT is a limited liability company organized, on June 16, 2004, under the laws of the Nation created to facilitate CNB's ownership in Cherokee Connex, LLC. CNB is the sole member owning 100% of the units of CT, which is included in CNB's financial statements as a blended component unit.

**Cherokee Services Group, LLC ("CSG")** — CSG is a limited liability company organized under the laws of the Nation in 2006 for the purpose of marketing certain professional services to commercial enterprises, other tribes and state and federal governments. CSG has applied for and received 8(a) certification from the US Small Business Administration. CNB is the sole member of CSG which is included as a blended component unit of CNB. CSG had no operating activity for 2006.

CNB either directly or through its blended component units also holds a joint venture interest in two entities as follows:

**Cherokee Connex, LLC ("Connex")** — CT's joint venture, was organized on June 18, 2004 to provide wireless internet services in the Tulsa, Oklahoma market and surrounding areas. Connex is governed by the member managers, who consist of: CT, (51% ownership) and other nongovernmental investors (49% ownership) of Connex. CNB accounts for Connex using the equity method.

**Cherokee CRC, LLC ("CCRC")** — CNB's joint venture, was formed in March, 2005 in Tulsa, Oklahoma, by CNB (51% ownership) and an individual (49% ownership). CNB accounts for the investment in CCRC using the equity method. The targeted business of CCRC, a Tribal-owned 8(a) firm is to engage in the business of providing services to customers in the business described in the North American Industry Classification Codes 54162 (Environmental Consulting Services), 541330 (Engineering Services), 562910 (Remediation Services), 541710 (Research and Development in the Physical, Engineering and Life Sciences), 541380 (Testing Laboratories), and for customers in homeland security under governmental contracts in which Section 8(a) status provides a competitive advantage. CNB accounts for CCRC using the equity method.

**Cherokee Nation Industries, Inc., CND, LLC, and Cherokee Medical Services, L.L.C. (collectively "CNI")** — The Nation established CNI, and while not directly managing the daily operations, is able to exert significant influence over CNI's activities as a result of its relationship to CNI and appointment of a majority of CNI's board members. Although legally separate entities, this group of companies operates under the same management team and board of directors and issues combined financial statements. CNI engages primarily in the production, assembly, and repair of electronic component parts and wiring systems, and the provisions of certain contract medical services for the U.S. Government. All information included in the Nation's financial statements for CNI is for the fiscal period ended June 30, 2006.

**Cherokee Nation Home Health Services, Inc.** — Cherokee Nation Home Health Services, Inc. ("CNHHS"), a tribal corporation, was organized for the purpose of engaging in the home healthcare services. The Nation created CNHHS and is able to exert significant influence over CNHHS' activities as a result of its relationship with CNHHS and board member appointments.

**Cherokee Nation Comprehensive Care Agency** — The Cherokee Nation Comprehensive Care Agency, ("CNCCA") was established on January 29, 2004. CNCCA was created to facilitate various Nation health care initiatives including the facilitation of joint ventures and other business related health activities. CNCCA and the Tahlequah City Hospital entered into a joint venture on September 28, 2004, to create Cherokee Health Partners, LLC which is 51% owned by CNCCA. Cherokee Health Partners, LLC is an imaging center located in the Tahlequah City Hospital. The initial services to be provided are nuclear scans of the bones, heart, and lungs. The Nation through CNCCA has made an initial investment in Cherokee Health Partners, LLC in the amount of \$148,000. Since then CNCCA has recognized its proportionate share of CHP's earnings and distributions resulting in a carrying value of approximately \$472,000 for the joint venture at September 30, 2006. Prior to 2006 CNCCA was generally inactive and accounted for as a blended component unit. Upon



reconsideration in 2006, the Nation concluded that CNCCA should be reflected as a discretely presented component unit.

The financial statements for the discretely presented proprietary component units are presented as part of the accompanying basic financial statements. Selected disclosures for the discretely presented component units have been included in these notes to the basic financial statements. Separately issued audited financial statements with additional disclosures may be obtained for HACN, CNB, CNI, and CNHHS from the Cherokee Nation Controller's office.

**Blended Component Units** – A component unit whose operations are intertwined with those of the primary government are blended with the financial data of the primary government. There is no distinction between the data of the primary government and that of the component unit. The Nation's blended component units are as follows:

**Cherokee Nation Economic Development Trust Authority** – The Economic Development Trust Authority ("EDTA"), a Community Development Financial institution, is certified by the U.S. Treasury Department. Cherokee Nation EDTA was created by Tribal Council Legislative Act 36-89 as a mechanism to promote economic development. Its mission is to provide opportunities for income generation through economic development, to provide loans for business creation/expansion, and to provide loans to qualified individuals whom have traditionally been denied through conventional lending sources. EDTA is presented as a proprietary fund in the accompanying financial statements.

**Excluded Organizations** — During 2006, the following organizations did not meet the criteria for inclusion in the reporting entity, and accordingly their financial operations are excluded from this report.

Cherokee Nation Education Foundation

Cherokee National Historical Society

In fiscal year 2006, the Nation, CNE and the Cherokee National Historical Society entered into an operations management Memorandum of Agreement. This event is discussed more fully in Note 16.

Cherokee Nation law requires that all corporations, majority owned by the Nation, and incorporated under Cherokee Nation law pay a dividend based on net income. The dividend rate was 25% for the first quarter of FY2006 and 30% for the last three quarters of FY2006. Dividends paid to the Nation and other related party transactions are discussed in Note 16.

## BASIS OF PRESENTATION

**Government-Wide Financial Statements** — The government-wide financial statements provide operational accountability information for the Nation as an economic unit. The government-wide financial statements report the government's ability to maintain service levels and continue to meet its obligations as they come due. The statements include all governmental activities and all business-type activities of the primary government and its component units. These statements include the Statement of Net Assets and the Statement of Activities as directed by GASB Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments* ("GASB 34"). Under GASB 34 reporting, fiduciary funds and fiduciary-type component units are omitted from the government-wide financial statements.

**Fund Financial Statements** — The accounts of the Nation are organized on the basis of funds, each of which is considered to be an independent fiscal and accounting entity. The operations of each fund are accounted for within separate sets of self-balancing accounts, which comprise its assets, liabilities, fund equity, revenues, expenditures, and transfers. The General Fund is always a major governmental fund. Other major funds are determined as funds whose revenues, expenditures/expenses, assets or liabilities are at least ten percent of the totals for all governmental or enterprise funds and at least five percent of the aggregate amount for all governmental and enterprise funds for the same item or funds designated as major at the discretion of the Nation. Funds not classified as a major fund are aggregated and presented in a single column in the fund financial statements. The Nation uses the following funds, grouped by fund type.

**Governmental Funds** — Governmental funds are those through which most governmental functions of the Nation are financed. The acquisition, use, and balances of the Nation's expendable financial resources and the related liabilities (except those accounted for in proprietary funds) are accounted for through governmental funds.

- **General Fund** — The General Fund represents the operating activities of the tribal government. All unrestricted resources not accounted for in other funds are reported in the General Fund.
- **Special Revenue Funds** — Special revenue funds are used to account for the proceeds of government grants or other specific revenue sources that are restricted by law or administrative action to finance particular functions or activities of the Nation. The following are the Nation's major special revenue funds:
  - **Self Governance-DOI-Roads** — Established to account for funds received from the Department of Interior ("DOI") to expand the Nation's transportation activities such as planning, designing, constructing, and maintaining transportation facilities. Roads constructed with DOI funds are not capitalized by the Nation as they are transferred to other governmental agencies upon completion. These expenditures are generally presented as community service expenditures in the accompanying financial statements.
  - **Self Governance-DHHS** — Established to account for funds received under the Nation's Self Governance compact with the United States Government. These funds are used to administer a number of programs under Indian Health Services relating to health and human services. These expenditures are generally presented as health and community services expenditures in the accompanying financial statements.
  - **Housing and Urban Development** — Established to account for grant

funds received from the Department of Housing and Urban Development to improve living conditions and renovate homes of Indian residents. During fiscal 2006, the majority of the program expenditures were in the form of subrecipient payments to the Housing Authority, a discretely presented proprietary component unit of the Nation. These expenditures are generally presented as community service expenditures in the accompanying financial statements.

- **Sequoyah Education** — Established to account for funds received from the Department of Interior ("DOI") Bureau of Indian Affairs ("BIA") to provide education to Native American students. Sequoyah High School is located one-half mile south of the Nation and provides education for ninth through the twelfth grades. These expenditures are generally presented as education expenditures in the accompanying financial statements.
- **Permanent Funds** — Permanent funds are used to report resources that are legally restricted to the extent that only earnings, and not principal, may be used for purposes supporting the Nation's programs. The Nation's Permanent Funds contain two endowments, both of which allow the expenditure of income for tuition and educational purposes, with the principal being unavailable for disbursement. The trust agreements state the distributions of income shall go to individuals one-quarter or more of Cherokee blood quantum. All fund balances from the endowments are restricted and reserved.
  - **Sequoyah Endowment** — The Sequoyah Endowment was established in fiscal year 1991 by the Louise K. Green-Matthews Grant in Environmental Science in the amount of \$145,000. It was established to foster and encourage Cherokee students of at least one-quarter blood quantum to engage in obtaining a graduate education in Environmental Science or Natural Sciences. The income from the trust is available to provide one to two grants annually. The amount of net appreciation on the investment of the Sequoyah Endowment is \$59,000 which is the available amount reflected in the net assets.
  - **Gammon Education Trust** — The Glenn and Faye Gammon Education Trust was established in fiscal year 2001 by a willed contribution of \$290,000 to provide Cherokee higher education scholarships. In accordance with the will, income from the trust is used to provide tuition and related educational, travel and living expenses for Cherokee students with a blood quantum of one-quarter or more. The amount of net appreciation on the investment of the Gammon Education Trust is \$44,000 which is the available amount reflected in the net assets.
- **Debt Service Funds** — Debt service funds are used to report resources that are set aside to meet current and future debt service requirements on general long-term debt.
- **Capital Projects Funds** — Capital project funds are used to report resources that are used to report major capital acquisition and construction separately from ongoing operational activities.

Governmental fund financial statements include a balance sheet and a statement of revenues, expenditures and changes in fund balances for all major governmental funds and nonmajor funds

aggregated. A reconciliation is presented to summarize the differences in net assets of the governmental fund financial statements and the net assets of the governmental activities in the government-wide financial statements. These differences are further explained in Note 2 to the basic financial statements.

**Proprietary Funds** — Proprietary funds are used to account for the Nation's ongoing organizations and activities which are similar to those often found in the private sector where the intent is that costs of providing goods and services be recovered through user charges. The proprietary funds maintained by the Nation are internal service funds, enterprise funds, and discretely presented component units, which represent the activities of the various entities established by the Nation for income and job producing purposes.

- **Internal Service Funds** — Internal service funds are used to report activities which provide goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis. The Nation includes services such as internal leases, force accounts, fringe pool, indirect cost pool, and tribal operations' construction management in these funds. Substantially all internal service funds' net assets and activities are combined with the governmental activities in the government-wide financial statements. Note disclosures for governmental activities also include related amounts for the internal service funds.
- **Enterprise Funds** — The enterprise funds are proprietary funds that are used to report activities for which a fee is charged to external users. The Nation accounts for its Tsa-La-Gi Apartments, Landfill Operations, Economic Development Trust Authority ("EDTA") and Other enterprise activities in these funds. None of the Nation's enterprise funds are reported as major funds.
- **Component Units** — See pages 34 - 37 for descriptions of discretely presented component units.

Enterprise and internal service fund financial statements include a statement of net assets, a statement of revenues, expenses and changes in fund net assets, and a statement of cash flows. The enterprise fund financial information is presented under the business-type activities columns. A column representing internal service funds is also presented in these statements, with the internal service funds' net assets and activities combined with the governmental activities in the government-wide financial statements.

## MEASUREMENT FOCUS AND BASIS OF ACCOUNTING

**Measurement Focus** — The measurement focus determines the accounting and financial reporting treatment applied to a fund. The governmental and business-type activities within the government-wide Statement of Net Assets and Statement of Activities are presented using the economic resources measurement focus. The economic resources measurement focus meets the accounting objectives of determining net income, financial position, and cash flows.

The fund financial statements use either the current financial resources measurement focus or the economic resources measurement focus as appropriate. Governmental funds use the current financial resources measurement focus. This measurement focus is based upon the receipt and disbursement of current available

financial resources rather than upon net income. The measurement focus of the proprietary fund types, the flow of economic resources, is based upon determination of net income, financial position and cash flows.

**Basis of Accounting** — The accrual basis of accounting is used throughout the government-wide financial statements; conversely, the financial statements of the General Fund, Special Revenue Funds, and Permanent Funds have been prepared in accordance with the modified accrual basis of accounting, whereby revenues are recognized when considered both measurable and available to finance expenditures of the current period. The Nation accrues intergovernmental property rentals and tax revenues based upon this concept. Expenditures are generally recognized when the related fund liabilities are incurred and become payable in the current period. Proceeds of debt are reported as other financing sources; and principal and interest on long-term debt are recorded as expenditures when paid.

The financial statements of the Enterprise Funds, Internal Service Funds, and the proprietary component units have been prepared in accordance with the accrual basis of accounting. Accordingly, revenues are recorded when earned, and expenses and related liabilities are recorded when incurred.

**Accounting Policies** — The Nation's significant accounting policies related to the following basic financial statement categories are summarized below:

**Cash and Cash Equivalents** — The Nation considers all highly liquid investments in debt securities with maturities of three months or less when purchased to be cash equivalents. A "pooled cash" concept is used in maintaining certain cash accounts in the accounting records. Under this method, cash is pooled and each fund participating in the pool has equity in the pooled amount. Pooled cash accounts consist principally of interest-bearing and non-interest-bearing demand deposit accounts.

**Restricted Cash and Cash Equivalents** — Amounts represent certain bank account balances restricted for specific purposes as described in Note 4.

**Investments** — The Nation accounts for its investments in accordance with GASB Statement No. 31, *Accounting and Financial Reporting for Certain Investments and for External Investment Pools*. GASB 31 establishes accounting and financial reporting standards for most investments held by governmental entities. The Nation reports investments at fair value. Fair value is determined using quoted market prices.

## **Inventories**

- The Nation, through its participation in the Clinics Program, maintains an inventory of pharmaceutical drugs received from the United States Department of Health and Human Services. Title to these inventories does not pass to the Nation, which acts only as a distribution agent for the federal government. The value of drugs on hand related to this program has not been included in the Nation's financial statements.
- The Nation maintains an inventory of the food received for disbursement from Cherokee Nation's Food Distribution program. Food acquisitions are initially recorded as inventory and as deferred revenue and are charged to expenditures as used, using the FIFO method. Food inventories are valued at the cost assigned to such food items by the granting agency.
- CNB's inventories consist primarily of smokeshop, convenience store, gift shop, and gaming inventories and are valued at the lower of cost (FIFO) or market.
- CNI's inventories are valued at the lower of cost (FIFO) or market and consist principally of raw materials and purchased finished goods. Reserves are provided for slow-moving or obsolete inventories.

- HACN, as a result of the operation of the Title VI Loan program primarily, has built or acquired a number of homes in various locations in anticipation of the expected demand for the homes as well as homes for specific homebuyers in accordance with an agreement with them. These homes are presented as inventory by HACN.

**Capital Assets** — The Nation's accounting policies regarding capital assets such as land, buildings, vehicles, and equipment are that these assets, with an initial cost of \$5,000, or more are to be capitalized and depreciated over their estimated useful lives. Purchased or constructed capital assets are valued at historical cost or estimated historical cost. Donated capital assets are recorded at fair value at the date of the donation. Title to certain property and buildings utilized by the Nation, such as Sequoyah High School, the Child Care Development Center, and other land is held by the federal government. Therefore, such assets are not reflected as capital assets in the accompanying financial statements. The Nation has chosen the straight-line depreciation method for its capital assets based on the estimated useful lives of the capital assets as follows:

<u>Class of Asset</u>	<u>Estimated Useful Life</u>
Buildings and improvements	20-50 years
Equipment	3-20 years

The Cherokee Nation has the ability to request that land owned by the Nation and its component units be placed into trust status with the United States of America in Trust for the Cherokee Nation ("trust status"). If land is accepted into trust status, the Nation and its component units have the ability to continue using the property. Activities such as the Nations gaming activities can only be conducted on land held in trust status. When land goes into trust status, the title to the property is transferred to the Federal Government. Under generally accepted accounting principles this land must be removed from the books of the Nation or its component units since the Nation no longer has title to the land. At September 30, 2006, there were various parcels of land owned by the Nation and its component units that the Nation has requested to be placed into trust status. The cost basis of this property will be written off by the Nation when, and if, the property is accepted into trust status.

**Fund Financial Statements** — In the fund financial statements, capital assets used in governmental fund operations are accounted for as capital outlay expenditures of the governmental fund upon acquisition. Capital assets used in proprietary fund operations are accounted for in the same manner as in the government-wide statements.

**Deferred Grant Revenues** — The Nation is the recipient of grants from several different federal and state agencies. In some instances, the grants are advance funded. The Nation records these grants as deferred revenue until the funds are expended in accordance with the grant terms.

**Landfill Site Development, Closure, and Postclosure Care Costs** — The Nation capitalizes expenditures incurred for development of landfill cells for future use and amortizes such costs over the estimated life of the developed cell beginning upon its activation. The Nation, based on the cumulative amount of used capacity, accrues the currently estimated liability for closure and postclosure care costs. Such estimated costs include expected equipment and facility costs, costs of the final cover and postclosure care.

#### **Taxes**

- The Nation, except for CNI, is exempt from federal and state income taxes; consequently, no provision for income taxes is included in the accompanying financial statements for any funds, excluding CNL.

- Tsa-La-Gi Apartments are registered as tribal lands held in trust. As such, it is exempt from the payment of property taxes.
- CNE, a blended component unit of CNB, pays a gaming tax based on the previous year's gross revenues pursuant to provisions of the National Indian Gaming Regulatory Act. Amounts owed under the gaming tax are paid to the National Indian Gaming Commission ("NIGC") and have been reflected within operating expenses in the Statement of Revenues, Expenses, and Changes in Fund Net Assets. Total payments for fiscal year 2006 were approximately \$112,000.

**Compensated Absences** — Vacation leave for the primary government is granted to all permanent full-time and eligible part-time employees. The annual amount of vacation time accrued varies, depending upon years of service, from 13 to 26 days for full-time employees. Permanent part-time employees earn vacation leave according to the pro-rata full-time hours worked. The maximum amount of vacation that may be accumulated and carried over to the following year is 30 days. Accumulated vacation leave vests, and the Nation is obligated to make payment, even if the employee terminates. Compensated absence liabilities are computed using the regular pay rates in effect at the statement of net assets date plus an additional amount for compensation-related payments such as social security and medicare taxes compiled using rates in effect at that date.

Upon request from the employee and approval by the supervisor and Human Resources, the Cherokee Nation annually buys back designated amounts of accrued annual leave from Regular/Full Time and Regular/Part Time employees, subject to restrictions based on funding agency guidelines as well as fund availability. In Fiscal Year 2006, the Cherokee Nation bought back \$655,000 of accrued annual leave.

## **Net Assets Classifications**

**Government-Wide Statements** — Equity is classified as net assets and displayed in three components:

1. *Invested in capital assets, net of related debt* — Consists of capital assets, net of accumulated depreciation and reduced by the outstanding balances of any notes or other borrowings attributable to those assets.
2. *Restricted net assets* — Consists of net assets with constraints placed on the use either by external groups, such as grantors or laws and regulations of other governments, or law through Tribal constitutional provisions or enabling legislation. It is the Nation's policy to use restricted net assets prior to the use of unrestricted net assets when both restricted and unrestricted net assets are available for an expense which has been incurred.
3. *Unrestricted net assets* — All other assets that do not meet the definition of "restricted" or "invested in capital assets, net of related debt."

**Fund Financial Statements** — Governmental fund equity is classified as fund balance. Fund balance is further classified as reserved and unreserved. Proprietary fund equity is classified the same as in the government-wide statements.

**Revenue Recognition** — The Nation considers revenue to be susceptible to accrual in the governmental funds as it becomes measurable and available, as defined under the modified accrual basis of accounting. The Nation defines the availability period for revenue recognition as ninety (90) days. The Nation's major revenue sources that meet this availability criterion are Motor Fuel Tax (MFT), Motor Vehicle Tax revenues and dividends declared by Component Units.

**Program Revenues** — There are two classifications of programmatic revenues for the Nation, grant revenues and program revenue. Grant revenues are revenues from federal, state, and private grants. These revenues are recognized as the related expenditures are made and are reported as intergovernmental revenues. The primary source of program revenue is earned income in connection with the operation of the Nation's clinics and other health-related services, which are funded by the Department of Health and Human Services ("DHHS") Self Governance Compact. Under the provisions of the Self Governance Agreement with DHHS, the Nation is required to expend this program income for purposes similar to those funded by the basic DHHS Self Governance Compact. There are no specific requirements designating when or in what order program and other self governance funds should be spent. Program income earned from clinic and other health-related services during the year ended September 30, 2006 was approximately \$12.9 million.

**Operating and Non-Operating Revenues and Expenses** — In the Proprietary Funds and component units, operating revenues are those revenues produced as a result of providing services and producing and delivering goods, including all transactions and other events. Non-operating revenues are funds primarily provided by investing activities, such as interest income and Federal grants received by HACN. Operating expenses are those expenses related to the production of revenue. Non-operating expenses are those expenses not directly related to the production of revenue, and includes items such as interest expense and losses on disposal of assets.

**Interest Income** — Interest income is recorded as earned in the fund holding the interest bearing asset.

**Interest Income-Self Governance Compacts** — The Nation receives certain amounts of advance funding as a self governance compact tribe in three large self governance compacts with the DOI and DHHS. These funds are invested in interest-earning assets until the funds are expended under the terms of the self governance compacts. The Nation need not refund the interest earnings under these compacts and is not directly accountable to the DOI or the DHHS for the expenditure of these interest earnings. The discretionary interest is recorded in the Self Governance funds but is allocated to other programmatic expenditures through the budgeting process.

**Interest Income-Grants** — The Nation receives certain amounts of advance funding in connection with three large grants: (1) NAHASDA, funded by HUD, (2) the Sequoyah High School Grant, which is funded by the DOI, and (3) PL-102-477 which is funded by the Department of Labor ("DOL") and the DHHS through the DOI. The applicable legislation and regulations for each grant authorize the earning of interest on advance payments; the use of which is governed by the same.

**Internal Activities** — The Nation's policy for eliminating internal activities in the Government-wide Statement of Activities is the look-back approach. This method prescribes that the internal service funds operate on a breakeven basis. The net profit or loss on an internal service fund is to be allocated to the government's programs/departments that benefited from the goods or services provided based on their proportionate benefit.

**Indirect Costs** — The Government-wide Statement of Activities does not use a separate column to identify allocated indirect costs since the allocation is automatically calculated. Indirect costs are included in the program operating expenses reported for individual functions and activities in the fund statements.

The Nation's indirect cost plan utilizes a fixed rate with carryforward. To the extent that actual indirect cost expenses differ materially from indirect cost recoveries, the difference is recorded as deferred revenue (overrecovered) or a deferred charge (underrecovered) and reversed in the period the difference is used to adjust the indirect cost rate.



**Budgets and Budgetary Accounting Policies** — Title 62, §31-32 provides the legal level of budgetary control for the Cherokee Nation. The Executive and Finance Committee of the Council, upon direction of the Secretary-Treasurer and with advisement from the Controller, shall formulate an annual appropriations bill. The bill shall contain the legal budgeted annual revenue and expenditures for the general fund, and enterprise funds, the executive, legislative, and judicial branches of government. The sources of revenue may be based upon estimates. The budgeted expenditures for these funds shall not exceed total estimated revenues and beginning fund balance. The Executive and Finance Committee of the Council, upon direction of the Secretary-Treasurer and with advisement from the Controller, shall be responsible for proposing amendments to the annual appropriations law based upon material changes in real or estimated revenues and expenditures that affect the total amounts budgeted. Any amendments to the annual appropriations bill shall be presented to the full Council for consideration and passage. Any funds received by the Cherokee Nation, the use of which is determined by the granting or contracting agency (special revenue funds) shall be used only for those purposes and under those conditions for which the funds are made available and such funds are not subject to legal appropriation by the Tribal Council.

The basic financial statements contain a budget and actual comparative statement for the General Fund, a legally budgeted fund. A budgetary statement for enterprise funds, which are also legally budgeted, is included in the budgetary information section of Other Supplementary Information.

Budgets for the Nation are prepared on the same basis of accounting as the financial reports; therefore, no reconciliation is necessary.

**Management Estimates** — The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues, expenditures, and expenses during the reported period. Actual results could differ from those estimates.

## 2. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

The governmental fund balance sheet includes a reconciliation of total fund balance of the governmental funds to the total net assets of the governmental activities in the statement of net assets. One element of that reconciliation explains that "capital assets, net of accumulated depreciation, used in governmental activities are not financial resources and therefore are not reported in the funds." The details of this \$44,797,000 difference are as follows (in thousands):

Capital assets, net	\$ 56,443
Less: Internal service fund capital assets	<u>(11,646)</u>
Capital assets used in governmental activities	<u>\$ 44,797</u>

Another element of that reconciliation explains that "assets recorded in the government-wide financial statements are not available to pay for current period expenditures, therefore, are not recorded in the funds." This \$5,169,000 difference represents the remaining Arkansas River Drybed Lands Settlement receivable.

The final element of that reconciliation, excluding the net assets of the internal service funds of \$1,920,000, explains that "liabilities are not due and payable in the current period and, therefore, not reported in the funds." The details of this \$5,036,000 difference are as follows (in thousands):

Long-term debt - governmental funds	\$ 4,522
Liability payment for component unit	154
Arkansas River Drybed Lands litigation fee	200
Accounts payable - governmental funds	<u>160</u>
Net Adjustment to decrease fund balance - total governmental funds to arrive at net assets - governmental activities	<u>\$ 5,036</u>

A reconciliation of the net change in fund balance - total governmental funds reported in the statement of revenues, expenditures, and changes in fund balance for the governmental funds to the change in net assets of governmental activities reported in the statement of activities is presented in the accompanying basic financial statements.

One element of this reconciliation explains "governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital outlays exceeded depreciation in the current period." The details of this \$16,266,000 difference are as follows (in thousands):

Capital expenditures in governmental funds capitalized on government-wide financial statements	\$ 18,162
Depreciation expense	<u>(1,896)</u>
Net adjustment to increase net changes in fund balances - total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ 16,266</u>

The next element of that reconciliation represents the "movement of equity resulting from a joint venture recorded at the government-wide statements in prior years to a discretely presented component unit in the current year." The \$332,000 reflects the movement of the equity in the joint venture at the beginning of FY2006.

Another element of that reconciliation states that "revenues previously reported in the statement of activities that did not provide current financial resources were not reported as revenues in the funds. These revenues are now presented in the fund statements as they become available." The details of this \$5,858,000 difference are as follows (in thousands):

Arkansas River Drybed Lands	\$ (803)
Indirect cost settlement	(2,201)
Amount provided from HACN to the Nation for Title VI payment	<u>(2,854)</u>
Net adjustment to increase net changes in fund balances – total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ (5,858)</u>

Another element of that reconciliation states that "the issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds." The details of this \$1,271,000 difference are as follows (in thousands):

Debt principal payments	\$ 3,117
Proceeds from long term debt - capital projects	<u>(4,388)</u>
Net adjustment to decrease changes in fund balances- total governmental funds to arrive at changes in net assets of governmental activities.	<u>\$ (1,271)</u>

Some expenses are reported in the Statement of Activities when incurred and presented as expenditures in the governmental funds when paid. The details of this \$330,000 difference are as follows (in thousands):

Write down of liability for IDC settlement	\$ (90)
Disallowed cost settlement	100
Arkansas River Drybed Lands litigation fee	(200)
Additional capital outlay expense and loss on disposal	<u>(140)</u>
Net adjustment to increase net changes in fund balance – total governmental funds to arrive at changes in net assets of governmental activities	<u>\$ (330)</u>

Another element of that reconciliation states that "the internal service funds are used to account for those activities which provide services to other functions within the government. These costs are allocated to the governmental funds in the government-wide financial statements. This amount, (\$3,637,000) is the net effect of the allocations."

### **3. STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY**

The Internal Service Funds' Force Accounts and Fringe Pool, and the Capital Projects Fund had net deficits of \$102,000, \$9,299,000, and \$524,000 respectively, at September 30, 2006. If the above deficits cannot be recovered in future years through operating revenues, fringe charges to other funds of the Nation, and normal transfers, the General Fund may be required to cover the deficits. During fiscal year 2006, the Nation's construction management services were transferred to CNI, a component unit of the Nation. The accumulated net deficit of construction management in the amount of \$538,524 was covered by a transfer from the General Fund.

### **4. DEPOSITS AND INVESTMENTS**

Custodial credit risk is the risk that in the event of a bank failure, the Nation's deposits may not be returned to it. Cherokee Nation statute requires that funds be deposited in a financial institution insured either by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation. All balances in excess of insurance limits require pledged collateral from the financial institution. All deposits of the primary government were either insured or covered by pledged collateral. Component units' deposits of \$5,254,000 were uninsured and uncollateralized.

**Investments** — The Nation's permissible investments include corporate obligations, United States Government obligations and Certificates of Deposit. For investments, custodial risk is the risk that in the event of the failure of the counterparty, the Nation will not be able to recover the value of its investments in the possession of an outside third party. The Nation's investment policy does not specifically address custodial credit risk; however, investments are held by third party custodians in the Nation's name.

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. The Nation manages interest rate risk by maintaining a balance of highly liquid investments and a "ladder" approach to long term investments. Funds are invested in blocks, normally of \$1,000,000 or greater, with maturities ranging from one to five years. Any investment with a maturity date of over five years requires CN Tribal Council approval.

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. It is the Nation's policy to limit its investments in corporate bonds to the top two ratings issued by nationally recognized statistical rating organizations (NRSROs). The Nation's investments in U.S. agencies and Commercial paper were rated AAA by Standard & Poor's and Fitch Ratings and Aaa by Moody's Investors Service. The Nation's and CNB's mutual bond fund investments were rated AAA by Standard & Poor's and Aaa by Moody's Investors Service.

Concentration of credit risk is the risk of loss attributed to the magnitude of the Nation's investment in a single issuer. The Nation's investment policy does not specifically address concentration of credit risk. Of the total primary government's investments, \$5,688,000, or 14%, is invested in Freddie Mac and \$4,575,000, or 12%, is invested in Fannie Mae.

Investments, categorized as to interest and credit risk, at September 30, 2006 were as follows (in thousands):

<u>Investment Type</u>	<u>Fair Value</u>	<u>Investment Maturities (in Years)</u>				<u>Credit Rating Moody's/S&amp;P</u>
		<u>Less Than 1</u>	<u>1 - 5</u>	<u>6 - 10</u>	<u>More Than 10</u>	
<b>Primary Government:</b>						
U.S. Treasuries	\$ 11,468	\$ 4,978	\$ 6,490	\$ -	\$ -	N/A
Government sponsored entities	23,896	13,547	8,778	1,071	500	Aaa/AAA
Commercial paper	81	-	81	-	-	Aaa/AAA
Money Market Mutual funds	3,361	3,361	-	-	-	(1)
<b>Total Primary Government</b>	<b>\$ 38,806</b>	<b>\$ 21,886</b>	<b>\$ 15,349</b>	<b>\$ 1,071</b>	<b>\$ 500</b>	
<b>Component Units:</b>						
Money market funds	\$ 282	\$ 282	\$ -	\$ -	\$ -	(1)
Government Obligations Fund	7,926	7,926	-	-	-	AAA/Aaa
Government sponsored entities	21,462	19,290	2,172	-	-	AAA/Aaa
<b>Total Component Units</b>	<b>\$ 29,670</b>	<b>\$ 27,498</b>	<b>\$ 2,172</b>	<b>\$ -</b>	<b>\$ -</b>	

(1) While these Money Market Mutual funds and Money market funds do not have formal ratings, they are Governmental or Institutional type funds that are invested only in securities that have the highest short term rating from at least two NRSRO's.

A reconciliation of the investments for the Primary Government presented above to the investments as presented in the statement of net assets follows (dollars in thousands):

Investments as presented above:	\$ 38,806
Plus Certificates of Deposit reported as investments	270
Less investments reported as Restricted Investments	(19,914)
Less Money market funds recorded as Cash & Cash Equivalents	(3,361)
<b>Total investments</b>	<b>\$ 15,801</b>

**Restricted Cash, Cash Equivalents and Investments** — Restricted cash, cash equivalents and investments and reserved cash at September 30, 2006 included the following:

- \$972,000 in unspent loan proceeds in the Internal Leases fund.
- \$221,000 representing tenant security deposits held in trust, replacement reserves and mortgage escrow deposits for Tsa-La-Gi.
- \$1,829,000 relating to the capital replacement and closure and postclosure care costs of the Landfill Operations fund.
- \$27,000 reserved for natural resources replacement.
- \$15,615,000 reflecting the balance in Motor Fuel Tax Education Trust.
- \$3,300,000 relating to the Motor Fuel Tax Scholarship Reserve.
- \$562,000 relating to scholarship funds.

- \$1,578,000 relating to the Arkansas River Drybed Lands Settlement
- \$2,528,000 held in escrow relating to the Title VI loan with a bank (see Note 9).
- \$8,932,000 relating to HACN's lease-to-own homeownership program.
- \$1,500,000 relating to CNB's construction in progress
- \$460,000 relating to pari-mutuel horse racing activities

## 5. RECEIVABLES

Receivables at September 30, 2006 consisted of the following (in thousands):

	Primary Government				Notes Receivable
	Grants & Contracts Receivable	Accounts Receivable	Interest Receivable	Total	
<b>Governmental Fund Receivables:</b>					
General					
Motor fuel taxes	\$ -	\$ 1,813	\$ 183	\$ 1,996	\$ -
Other taxes	-	47	-	47	-
Other accounts receivable	-	1,165	-	1,165	-
Dividends receivable from component unit	-	2,468	-	2,468	-
Notes receivable, current	-	-	-	-	1,854
Long term notes receivable	-	-	-	-	26,194
Special Revenue Funds:	<u>2,702</u>	<u>311</u>	<u>196</u>	<u>3,209</u>	<u>149</u>
Receivables recorded in the Government-wide financial statements that are not recorded in the funds:					
Arkansas River Drybed Lands Settlement	5,169	-	-	5,169	
Other - Internal Service Funds	<u>-</u>	<u>241</u>	<u>-</u>	<u>241</u>	
<b>Receivables of Governmental Activities</b>	<b><u>\$ 7,871</u></b>	<b><u>\$ 6,045</u></b>	<b><u>\$ 379</u></b>	<b><u>\$ 14,295</u></b>	<b><u>\$ 28,197</u></b>
<b>Business Type Activities:</b>					
Landfill operations	\$ -	\$ 728	\$ -	\$ 728	\$ -
Notes receivable, current	-	-	-	-	238
Long term notes receivable	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,606</u>
		728	-	728	1,844
Less: Allowance for uncollectible accounts		<u>(10)</u>	<u>-</u>	<u>(10)</u>	
<b>Receivables of Business Type Activities</b>	<b><u>\$ -</u></b>	<b><u>\$ 718</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 718</u></b>	<b><u>\$ 1,844</u></b>

	Component Units				Total
	HACN	CNI	CNB	CNHHS	
Receivables:					
Accounts	885	17,804	4,476	441	23,606
Interest	487	-	-	-	487
Notes	28,259	-	3,239	-	31,498
Due from primary government	<u>1,265</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>1,265</u>
	30,896	17,804	7,715	441	56,856
Less: Allowance for uncollectibles	<u>(76)</u>	<u>(1,290)</u>	<u>-</u>	<u>(20)</u>	<u>(1,386)</u>
Receivables, net	<u>\$ 30,820</u>	<u>\$ 16,514</u>	<u>\$ 7,715</u>	<u>\$ 421</u>	<u>\$ 55,470</u>

**Arkansas River Drybed Lands Settlement** — The Arkansas River Drybed Settlement receivable relates to an agreement reached with the Federal government in 2003, whereby the Nation was awarded a settlement of \$20,000,000 to be paid at the rate of \$5,000,000 per year commencing in 2004. The \$20,000,000 settlement was recorded in the government-wide financial statements in 2003. The Nation received \$5,699,000 in 2004, \$8,329,000 in 2005, and \$803,000 in 2006. The remaining receivable at September 30, 2006 of \$5,169,000 that is not reflected in the fund level financial statements is reflected in the Nation's Government-wide statement of net assets. The Nation has agreed to pay \$1,282,000 in legal fees in connection with this settlement of which \$1,082,000 has been paid. As part of the settlement agreement, the Nation could also be required to pay up to \$2,000,000 of any future settlements made by the federal government with other Native American Indian Tribes. This portion (10%) of the payments received to date of \$1,577,824 is being held in a separate account by the federal government and is not available to the Nation until this contingency is resolved. As a result this portion of the proceeds is reflected as restricted net assets in the accompanying financial statements. Pursuant to an act passed by the Cherokee Nation Tribal Council in 2004 the settlement proceeds, after payment of legal fees and other claims, if any, are reserved for the purchase of land in designated areas.

**Notes receivable—CNB** — At September 30, 2006, the notes receivable balance for CNB was \$3,238,542. In January 2006, CNE, a component unit of CNB, loaned the Nation \$1,300,000 to be used for expansion of a landfill. The note bears interest of 7% per annum and is paid in monthly installments of \$15,096 beginning January 30, 2006 through December 2007, with all remaining principal and interest due on December 30, 2007. The balance of this note receivable at September 30, 2006, was \$1,238,654. The remainder of \$2,000,000 was a note receivable from Cherokee Connex, LLC.

**Mortgages receivable—Title VI** — HACN has mortgages receivable at September 30, 2006 totaling \$28,112,790 from individuals who are participating in the Title VI loan program. Each of these loans is secured by a mortgage on the house sold by HACN. The loans have an interest rate of 4% and are payable over 30 years. No allowance has been recorded as of September 30, 2006 as the Housing Authority believes the amounts to be collectable or if the houses are required by HACN, the value of the home will equal or exceed the balance of the loan. At September 30, 2006, the current and non-current portions of these mortgages receivable were \$556,823 and \$27,555,967, respectively. The Nation has a reciprocal note receivable from HACN recorded in its Governmental Activities.

**6. INTERFUND BALANCES AND TRANSFERS**

Interfund balances at September 30, 2006 consisted of the following (in thousands):

Due to general fund from:	
Nonmajor enterprise funds	\$ 2,210
Internal service funds	2,643
Self Governance DOI - Roads	1,919
Self Governance DHHS	9,698
Sequoyah Education	1,377
Nonmajor governmental funds	<u>15,021</u>
Total due to general fund from other funds	<u>\$ 32,868</u>
Due from general fund to:	
Housing and Urban Development	\$ 1,055
Nonmajor governmental funds	2,458
Nonmajor enterprise funds	<u>72</u>
Total due from general fund to other funds	<u>\$ 3,585</u>

Interfund balances result from the time lag between the dates that interfund goods and services are provided or reimbursable expenditures occur, the dates the transactions are recorded in the accounting system, and the date payments between funds are made.



Interfund transfers for the year ended September 30, 2006 consisted of the following (in thousands):

<b>Transfer</b>	<b>Amount</b>
To general fund from:	
Self governance DHHS	\$ 1,982
Self governance DOI Roads	1,352
Nonmajor governmental funds	2,761
Nonmajor enterprise funds	134
Total transfers to general fund	<u>\$ 6,229</u>
To Housing and Urban Development from:	
General fund	<u>\$ 67</u>
To Self governance DHHS from:	
General fund	<u>\$ 50</u>
To Sequoyah Education from:	
General fund	\$ 200
Nonmajor governmental funds	226
Total transfers to Sequoyah Education	<u>\$ 426</u>
To internal service fund from:	
General fund	<u>\$ 538</u>
To enterprise fund from:	
Housing and Urban Development	\$ 50
Nonmajor governmental funds	41
Total transfers to enterprise funds	<u>\$ 91</u>
To nonmajor governmental funds from:	
General fund	\$ 9,598
Self governance DHHS	1,002
Housing and Urban Development	53
Total transfers to nonmajor governmental funds	<u>\$ 10,653</u>

Transfers are generally used to (1) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them or (2) move unrestricted revenues collected in the General Fund, or other funds, to finance various programs accounted for in other funds in accordance with budgetary authorizations.

## 7. INVENTORIES

The Nation's inventories were comprised of the following at September 30, 2006 (in thousands):

	Internal Service Funds	Governmental Funds	Component Units	Total
Finished goods and raw materials	\$ -	\$ -	\$ 20,716	\$ 20,716
Food for distribution	-	652	-	652
Supplies	<u>111</u>	<u>14</u>	<u>-</u>	<u>125</u>
Less inventory reserves	<u>-</u>	<u>-</u>	<u>(10,508)</u>	<u>(10,508)</u>
Total inventories	<u>\$ 111</u>	<u>\$ 666</u>	<u>\$ 10,208</u>	<u>\$ 10,985</u>

The majority of the component unit inventory at September 30, 2006 relates to CNI, a component unit engaged in the production, assembly, and repair of electronic component parts for the telecommunications and other industries.

## 8. CAPITAL ASSETS

A summary of capital assets activity by major class, for the year ended September 30, 2006 follows (in thousands):

<u>Governmental Activities</u>	Balance, September 30, 2005	Additions and Net Transfers	Retirements	Balance, September 30, 2006
<b>Activity by Major Class</b>				
Capital assets, not being depreciated -				
Land	\$ 9,913	\$ 781	\$ -	\$ 10,694
Buildings and improvements	-	128	-	128
Construction in process	<u>5,350</u>	<u>14,146</u>	<u>-</u>	<u>19,496</u>
Total capital assets, not being depreciated	<u>15,263</u>	<u>15,055</u>	<u>-</u>	<u>30,318</u>
Capital assets being depreciated:				
Buildings and improvements	26,604	1,371	-	27,975
Equipment	19,713	2,471	(749)	21,435
Land improvements	<u>22</u>	<u>-</u>	<u>-</u>	<u>22</u>
Total capital assets being depreciated	<u>46,339</u>	<u>3,842</u>	<u>(749)</u>	<u>49,432</u>
Less accumulated depreciation for:				
Buildings and improvements	(7,972)	(715)	-	(8,687)
Equipment	(12,832)	(2,527)	740	(14,619)
Land improvements	<u>(1)</u>	<u>(1)</u>	<u>-</u>	<u>(1)</u>
Total accumulated depreciation	<u>(20,804)</u>	<u>(3,243)</u>	<u>740</u>	<u>(23,307)</u>
Total capital assets being depreciated, net	<u>25,535</u>	<u>599</u>	<u>(9)</u>	<u>26,125</u>
<b>Activity by major class capital assets, net</b>				
	<u>\$ 40,798</u>	<u>\$ 15,654</u>	<u>\$ (9)</u>	<u>\$ 56,443</u>

Depreciation expense was charged to functions as follows:

Governmental activities:

Tribal Government	\$ 1,116
Health Services	609
Education Services	191
Human Services	76
Community Services	220
Other Tribal Services	<u>1,031</u>

Total Governmental activities depreciation expense	<u>\$ 3,243</u>
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**Business-type Activities**

	Balance, September 30, 2005	Additions and Net Transfers	Retirements	Balance, September 30, 2006
Capital assets, not being depreciated -				
Land	<u>\$ 81</u>	<u>\$</u>	<u>\$</u>	<u>\$ 81</u>
Capital assets being depreciated:				
Buildings and improvements	8,177	879		9,056
Machinery and equipment	<u>2,723</u>	<u>-</u>	<u>(10)</u>	<u>2,713</u>
Total capital assets being depreciated	<u>10,900</u>	<u>879</u>	<u>(10)</u>	<u>11,769</u>
Less accumulated depreciation for:				
Buildings and improvements	(2,127)	(703)	-	(2,830)
Machinery and equipment	<u>(2,003)</u>	<u>(266)</u>	<u>10</u>	<u>(2,259)</u>
Total accumulated depreciation	<u>(4,130)</u>	<u>(969)</u>	<u>10</u>	<u>(5,089)</u>
Total capital assets being depreciated, net	<u>6,770</u>	<u>(90)</u>		<u>6,680</u>
Business-type activities capital assets, net	<u>\$ 6,851</u>	<u>\$ (90)</u>	<u>\$</u>	<u>\$ 6,761</u>

Component Unit Activities

## CNB and HACN:

## Capital assets, not being depreciated:

	Balance, September 30, 2005	Additions and transfers in	Retirements and transfers out	Balance, September 30, 2006
Land	\$ 23,396	\$ 11,037	\$ (617)	\$ 33,816
Construction in progress	7,862	30,952	(27,458)	11,356
Artwork	-	17	-	17
Total capital assets not being depreciated	31,258	42,006	(28,075)	45,189

## Capital assets being depreciated:

Buildings and improvements	214,847	25,019	(5,554)	234,312
Machinery and equipment	63,047	11,505	(6,870)	67,682
Total capital assets being depreciated	277,894	36,524	(12,424)	301,994

## Less accumulated depreciation for:

Buildings and improvements	(69,795)	(9,088)	3,669	(75,214)
Machinery and equipment	(30,648)	(12,186)	6,521	(36,313)
Total accumulated depreciation	(100,443)	(21,274)	10,190	(111,527)

## Total capital assets being depreciated, net

177,451	15,250	(2,234)	190,467
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## CNB and HACN activities capital assets-net

208,709	57,256	(30,309)	235,656
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## Other Component Unit activities -

CNHHS and CNI capital assets, net	1,007	579	(177)	1,409
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## Total of the Component Unit activities-capital assets, net

\$ 209,716	\$ 57,835	\$ (30,486)	\$ 237,065
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## 9. LONG-TERM DEBT

Long-term debt activity for the year ended September 30, 2006 was as follows (in thousands):

<u>Governmental Activities</u>	Balance, October 1, 2005	Additions	Reductions	Balance, September 30, 2006	Current Portion	Long-Term Portion
<b>Notes Payable</b>						
3.7% Note payable to Bank of America. See (1) below.	\$ 3,993	\$ -	\$ (459)	\$ 3,534	\$ 476	\$ 3,058
Note payable to bank in fixed principal payments. See (2) below.	31,055		(2,853)	28,202	1,854	26,348
Note payable to bank bearing interest at Chase Prime (4% at September 30, 2005) in monthly installments of \$18 including interest, with final payment due in October 2006, collateralized by future operating transfers from CNE (limited to \$18 per month) to the Nation.	131		(131)	-	-	
Note payable to bank collateralized by real estate bearing interest at 4% in monthly installments of approximately \$5 maturing in 2011.	170		(49)	121	54	67
Note payable to the Bureau of Indian Affairs in monthly installments of \$2, including interest of 7.625%, with final payment due in January 2010, collateralized by certain lease proceeds.	97		(20)	77	22	55
Note payable to bank collateralized by building bearing interest at 6.263% in monthly installments of approximately \$16, with final payment due in May 2013. See (3) below.		2,500	(64)	2,436	397	2,039
Note payable to bank collateralized by building bearing interest at 6.013% in monthly installments.		978		978	978	
Note payable to bank collateralized by building bearing interest at 6.013% in monthly installments.		910		910	910	
<b>Capital Leases</b>						
Capital leases payable to Caterpillar Financial Services with aggregate monthly installments of \$9.7 including interest, with interest rates ranging from 4.29% to 4.44% and final payment due in October 2009. Secured by related equipment.	439		(92)	347	95	
Capital leases payable to Key Government Finance with final annual installment of \$253 including interest of 3.26% due in June 2007. Secured by related equipment		758	(505)	253	253	
<b>Total long-term debt</b>	<u>35,885</u>	<u>5,146</u>	<u>(4,173)</u>	<u>36,858</u>	<u>5,039</u>	<u>31,819</u>
<b>Compensated Absences (See (4) below)</b>	<u>3,607</u>	<u>5,474</u>	<u>(5,197)</u>	<u>3,884</u>	<u>3,884</u>	
<b>Total long-term debt and compensated absences</b>	<u>\$ 39,492</u>	<u>\$ 10,620</u>	<u>\$ (9,370)</u>	<u>\$ 40,742</u>	<u>\$ 8,923</u>	<u>\$ 31,819</u>

- (1) In May 2003, the Nation entered into a \$5,000,000 financing agreement with a bank to fund capital improvement projects and to re-finance the 1992 Series Revenue Bonds. This note bears interest at 3.7% per annum, in monthly principal and interest installments of \$49,913 with final payment due in May 2013.
- (2) In July 2002, the Nation entered into a \$50,000,000 loan agreement, 95% guaranteed by United States Department of Housing and Urban Development Title VI program. The loan proceeds are divided into two separate "pools" which carry different interest rates over the life of the loan. Pool A, with a balance at September 30, 2006 of \$9,774,000 carries an interest rate of 6.7%. Pool B, with a balance at September 30, 2006 of \$18,428,000 carries a variable interest rate, reset monthly, derived from the 30 day LIBOR + 70 basis points, which at September 30, 2006 was 2.53%. Pool A is repayable in monthly principal payments of \$54,358 through May 1, 2022, plus interest. Pool B, effective April 1, 2005 requires monthly principal payments of \$100,150 through June 1, 2022, plus interest. The loan matures in December 2022. The loan proceeds were transferred to the HACN under a loan agreement between the Nation and the HACN to provide funding for construction or acquisition of single-family homes within the Nation's fourteen county jurisdictional area. The Housing Authority provided construction and acquisition of housing for eligible participants using Title VI loan proceeds "drawn down" through the Nation. As part of its participation in the Title VI loan, the Housing Authority was required to deposit securities in escrow with Bank One in an amount equal to five percent of the total loan balance, or approximately \$2,500,000. These securities are being pledged as collateral for the Title VI loan to cover the portion of the loan balance not guaranteed by HUD. The interest and dividends generated on these securities remains the property of the Housing Authority. As collateral for the Title VI loan, the Nation has pledged all current and future grants for which the borrower becomes eligible under NAHASDA as well as program income directly generated from the use of the loan proceeds, program income derived from the sale or lease of real property acquired, rehabilitated or constructed with loan proceeds, and the securities deposited to the Pledge Account. Any program income generated from the above is required to be deposited into a "Loan Repayment Account" to serve as an additional source of payment of principal and interest related to the Title VI loan. The Nation's note receivable from HACN at September 30, 2006 was \$28,048,000, of which, \$1,854,000 is included in notes receivable current and \$26,194,000 is reflected as long term notes receivable in the government-wide statement of net assets. (See Footnote 1 on page 61.)
- (3) In May 2006, the Nation entered into a \$2,500,000 credit agreement with a bank to fund the construction project at Sequoyah High School. This note bears interest at 6.263% per annum, in monthly principal and interest installments of \$16,026 with final payment due in May 2013.
- (4) Compensated absence liabilities are generally liquidated by the Fringe Pool Internal Service Fund, which allocates to and collects from other funds and/or departments within the Nation. Compensated absences are considered due within one year since the liability can be made payable at any time by the employee leaving the employment of the Nation.

The balance of long-term debt for business-type activities at September 30, 2006, was \$3,647,000. The balance of Long-Term Debt for Component Units at September 30, 2006, was \$37,919,000. Long-term debt in the business-type activities and component units at September 30, 2006 consisted of the following (in thousands):

<b><u>Business-Type Activities</u></b>	<b>Balance, October 1, 2005</b>	<b>Additions</b>	<b>Reductions</b>	<b>Balance, September 30, 2006</b>	<b>Current Portion</b>	<b>Long-Term Portion</b>
<b>Tsa-La-Gi Apartments</b>						
6.875% note payable to the U.S. Department of Housing & Urban Development (HUD) in monthly installments of \$10 including interest, with final payment due 2012, secured by certain land and buildings.	\$ 656	\$ -	\$ (81)	\$ 575	\$ 86	\$ 489
<b>Landfill Operations</b>						
4.0% note payable to Caterpillar Financial Services in monthly installments of \$4 including interest with final payment due April 2008. Secured by related equipment.	137		(137)			
4.865% note payable to Derricks Leasing and Financial Company in monthly installments of \$4.3 including interest with final payment due July 2008. Secured by related equipment.	138		(138)			
7.75% note payable to Bank of Cherokee County in monthly installments of \$8.2 including interest, with final payment due December 2005, secured by related equipment.	24		(24)			
4.75% note payable to Caterpillar Financial Services in monthly installments of \$8 including interest with final payment due December 2009. Secured by related equipment.	378		(83)	295	86	
7.0% note payable to CNE in monthly installments of \$15 including interest with final payment due January 2010. Secured by Landfill accounts receivable.	-	1,300	(61)	1,239	98	1,141
<b>Economic Development Trust Authority</b>						
Note payable to the Department of Agriculture in variable annual installments including interest of 1% annual, with final payment due October 16, 2030.	1,097	483	(42)	1,538	42	1,496
<b>Total</b>	<b><u>\$ 2,430</u></b>	<b><u>\$ 1,783</u></b>	<b><u>\$ (566)</u></b>	<b><u>\$ 3,647</u></b>	<b><u>\$ 312</u></b>	<b><u>\$ 3,335</u></b>

<u>Component Units</u>	Balance October 1, 2005	Additions	Reductions	Balance September 30, 2006	Current Portion	Long-Term Portion
<b>Housing Authority of the Cherokee Nation ("HACN")</b>						
Note payable to Cherokee Nation in fixed monthly principal payments of \$155, with interest calculated on the outstanding balance each month. As collateral for the loan, HACN has pledged all current and future grants, for which the borrower becomes eligible under NAHASDA, as well as income directly generated from the use of loan proceeds, program income derived from the sale or lease of real property acquired, rehabilitated or constructed with loan proceeds of the securities deposited to the pledge	30,901	-	(2,854)	28,047	1,854	26,193
Note payable to bank in fixed monthly payments of \$1.3 including principal and interest. Interest calculated at 6.75% annual with final payment due February 2021. See (2) below.	-	152	(5)	147	6	141
<b>Cherokee Nation Businesses ("CNB")</b>						
Capital lease agreement for CNE for certain pieces of gaming and computer equipment. Equipment paid at varying weekly and monthly principal payments, with interest rates between 7 - 12%. Fully paid in FY2006.	306	-	(306)			
Revolving line of credit. See (3) below.	3,869	131	(4,000)			
<b>Cherokee Nation Industries, Inc. ("CNI")</b>						
Revolving line of credit. See (4) below.	4,534	1,792	-	6,326	-	6,326
Note payable from a bank with monthly installments of \$5 including interest at the treasury rate plus 2.5% (6.213% at June 30, 2005). The note matures in September 2005 and is secured by equipment.	1	-	(1)			
Promissory note payable to creditor for restructuring an existing trade payable initiated in fiscal 2002 for inventory purchases totaling \$7,957 to a long-term promissory note. Amended July 2003. On March 15, 2005, the lesser of 50% of the remaining applicable inventory or any principal in excess of \$1,280 will be forgiven at the option of CNI. The adjusted balance will be amortized over 72 monthly installments, with interest calculated at 4% (Note 15).	754	-	(142)	612	119	493
Note payable from a bank due October 2011 secured by substantially all the Company's assets. Principal and interest at 8.25% payable monthly; 80% guaranteed by BIA.	-	2,500	(251)	2,249	359	1,890
<b>Cherokee Nation Home Health Service ("CNHHS")</b>						
7.5% Note payable to bank on a \$372 promissory note, which expires on June 7, 2007. The promissory note is collateralized by the property. See (5) below.	5	366	(3)	368	9	359
Lines of credit with a bank expiring April 2007; interest accrues at 8.5% payable monthly. Limited to 65% of eligible accounts receivable and collateralized by accounts receivable. Outstanding principle and interest due upon maturity. See (6) below.	-	170	-	170	170	
Capital lease payable	8	-	(8)	-	-	-
<b>Total</b>	<b>\$ 40,378</b>	<b>\$ 5,111</b>	<b>\$ (7,570)</b>	<b>\$ 37,919</b>	<b>\$ 2,517</b>	<b>\$35,402</b>



- (1) HACN, during fiscal year 2006, did not receive any loan advances for the Title VI program. This resulted in a cumulative amount of funds drawn on the available loan funds of \$33,231,000. The loan is divided into two separate "pools" which carry different interest rates over the life of the loan. Pool A, whose balance at September 30, 2006 was \$9,719,324 carries an interest rate of 6.7%. Pool B, whose balance at September 30, 2006 was \$18,328,155 carries a variable interest rate reset monthly, derived from the 30 day LIBOR + 70 basis points, which at September 30, 2006 was 6.02%. Pool A is repayable in monthly principal payments of \$54,358 through May 1, 2002, plus interest. Pool B principal payments of \$100,150 began March of 2005 and are scheduled through June 1, 2022, plus interest. During fiscal year 2006, HACN made total principal payments on Pool A of \$1,152,297 and on Pool B of \$1,701,797.
- (2) During fiscal year 2006, HACN borrowed \$151,500 for its costs related to the Claremore QuadPlex project. The loan is repaid in monthly payments, beginning February 1, 2006, of \$1,341 including principal and interest. The loan carries an interest rate of 6.75%. The final payment will be made on February 1, 2021. At September 30, 2006 the loan balance was \$147,004.
- (3) In 2006, CNE, a blended component unit of CNB, determined that it would not require CNB to pay the \$4,000,000 loan it had entered into with CNB in prior years.
- (4) CNI has an \$11,500,000 revolving line of credit expiring October 2007. At June 30, 2006, there was approximately \$6,326,000 borrowed against this line of credit. This line of credit is collateralized by substantially all of the assets of CNI. Interest on borrowings against the line of credit is based on the bank's prime rate (8.25% at June 30, 2006) and is payable monthly. The line of credit is 80% guaranteed by the Bureau of Indian Affairs (BIA). The amount of funds advanced on this line of credit is not to exceed 50% of eligible inventory plus 80% of eligible accounts receivable of \$14,000,000 whichever is less. CNI also has a term note due October, 2011, with principal and interest at 8.25% payable monthly secured by substantially all of the company's assets and 80% guaranteed by the BIA.

Effective April 4, 2002, CNI and a creditor restructured an existing trade payable initiated in fiscal year 2001 for inventory purchases totaling \$7,957,000 to a long-term promissory note in 2005. The note is payable monthly with interest at 4% and is due in 2011.
- (5) CNHHS renewed a promissory note and security agreement with a bank in June 2006 totaling \$371,261, which expires on June 7, 2009. Payments of \$2,901, including interest at 7.0% are due monthly with the remaining balance payable upon maturity. The purpose of the note was to finance the construction of a new office building, completed in March 2006. The note payable is collateralized by the property financed. Amount outstanding at September 30, 2005 was \$367,937.
- (6) At September 30, 2006, CNHHS had three revolving line of credit agreements with a bank totaling \$256,000 which expire in April 2007. Interest accrues at 8.5% and is payable monthly. The lines of credit are limited to 65% of eligible accounts receivable and are collateralized by accounts receivable. The outstanding principle balance and unpaid interest is due upon maturity. At September 30, 2006, the outstanding balances under the lines of credit totaled \$169,680.

Maturities of long-term debt for the Governmental and Business-type Activities are as follows (in thousands):

	Principal	Interest	Total
<b>Governmental Activities:</b>			
2007	5,039	1,869	6,908
2008	2,899	1,687	4,586
2009	2,925	1,547	4,472
2010	2,763	1,410	4,173
2011	2,776	1,275	4,051
2012 through 2016	10,797	4,543	15,340
2017 through 2021	9,260	1,838	11,098
2022 through 2026	399	11	410
<b>Total</b>	<b>\$ 36,858</b>	<b>\$ 14,180</b>	<b>\$ 51,038</b>
<b>Business-Type Activities:</b>			
2007	312	148	460
2008	1,378	80	1,458
2009	249	42	291
2010	186	31	217
2011	170	23	193
2012 through 2016	359	62	421
2017 through 2021	299	45	344
2022 through 2026	315	30	345
2027 through 2031	303	14	317
2032 through 2036	76	1	77
<b>Total</b>	<b>\$ 3,647</b>	<b>\$ 476</b>	<b>\$ 4,123</b>

#### 10. CNE LINE OF CREDIT

CNE, a blended component unit of CNB, entered into a \$40 million, two part, revolving line (the Line) of credit with a bank on October 14, 2003. The Line provides for a \$25 million reducing line (Line A) available through November 1, 2008, and a separate \$15 million nonreducing line (Line B) available through March 31, 2007. Line A may be renewed for one additional year with the payment of a fee. Interest on the Line is payable at the bank's prime rate or the London InterBank Offered Rate plus 1%. At September 30, 2006 and 2005, the interest rate in effect was 8.25% and 6.75%, respectively. No amounts were drawn on the Line at September 30, 2006 or 2005. Unused borrowings under the Line are subject to a commitment fee of 0.2%. The Line is secured by a pledge of revenues, inventory, accounts receivable and equipment. The credit agreement subjects CNE to a number of covenants, including certain financial covenants.

#### 11. TRUST LIABILITY

The Housing Authority has several lease-to-own homebuyer programs wherein the tenant/homebuyer may eventually purchase the house in accordance with contractual agreements. These transactions are similar to a financing lease, however are not accounted for as such as the amount and ability to collect the minimum lease payments is not predictable.

Until the time of transfer, these homes remain the property of the HACN. The costs of those units are depreciated over the expected term of payoff at the time of the original agreement, generally 25 years. When the home is paid off in accordance with the agreements and title is transferred to the homebuyer, a gain or loss is recognized by HACN.

The HACN Trust Liabilities reflected in the accompanying financial statements primarily includes a liability for funds that have been received from the tenants or homebuyers in the various lease-to-own programs that HACN operates. These funds are held in a trust type account to be applied to various uses, depending on the agreement with the tenant/homebuyer. The largest of the amounts included in this category are for accounts attributable to the New Mutual Help Housing Program wherein the tenant/homebuyers are credited with a portion of the funds that they have contributed as well as others amounts credited to them in accordance with DHUD requirements and program policies. Under the provisions of mutual-help occupancy agreements, tenant/homebuyers are required to make payments based on the family or household income. After deducting an administrative fee as set forth by DHUD, the remaining balance is credited to the participant's equity payment account (MEPA). The balance of the MEPA accounts, which are being held by HACN on behalf of the New Mutual Help homebuyers, was \$8,932,169 as of September 30, 2006. This along with other credits to these tenant/homebuyers totaled \$10,312,495 at September 30, 2006. Although these funds will generally be retained by HACN upon the transfer of home ownership to the tenant/homeowner, they are presented as a liability until then because the funds are effectively owned by the tenant/homeowner. Upon transfer of the home to the tenant/homeowner the funds will be considered revenue and applied to the carrying value of the related home and a gain or loss will be recorded by HACN.

Additionally, at September 30, 2006, other amounts included in this category include escrow deposits held by the Housing Authority associated with the Title VI program mortgages totaling \$313,379, Lease/Purchase Program equities of \$88,102 on other lease-to-own programs and low income housing tenant's security deposits of \$110,855.

## **12. FUND BALANCE DESIGNATIONS AND RESERVATIONS**

At September 30, 2006, the Nation had a total General Fund fund balance of \$72,858,000. This balance includes \$36,282,000 that has been reserved by the Legislative Act or restricted by external sources and an unreserved fund balance of \$36,576,000. A brief description of the reserved elements of the Nation's General Fund fund balance follows:

**Motor Fuel Tax** — The Nation began receiving Motor Fuel Tax dollars in 1997 and based on existing agreements with the State of Oklahoma, will continue receiving such funds until 2016. These funds are subject to general restriction under the agreement with the State of Oklahoma. Cherokee Nation Legislative Act 10-97 further restricted the use of these funds to those matters specifically appropriated by Act 10-97 and future legislative acts. A summary of activity in this reserved fund balance during the year ended September 30, 2006 follows (in thousands):

Balance at beginning of year	\$ 21,512
FY2006 Motor Fuel Tax revenues	7,406
Interest earnings on unexpended funds	612
Actual expenditures	<u>(4,856)</u>
Balance at end of year	<u>\$ 24,674</u>

**Tobacco surtax and tobacco retailers loan fund** — The Nation passed legislation in 2006 adding a surtax to be levied on tobacco transactions occurring between retailers within the Nation's boundaries. The surtax is reserved for initiatives to prevent and treat diabetes and cancer. The amount collected in 2006 totaled \$2,203,000. In addition, the legislation established a \$1,000,000 loan fund to be made available to tobacco retailers that are adversely affected by Oklahoma Tax Commission emergency rules. No loans have been made as of September 30, 2006.

**Motor Vehicle Tax** — In 2002, the Nation negotiated with the State of Oklahoma a licensing compact in which the Nation could license motor vehicles and other vehicles owned by the Nation's enrolled citizens living within the jurisdictional area of the Cherokee Nation. The Cherokee Nation Motor Vehicle Code provided for annual payments by the Nation of 38% of such revenues to Oklahoma public schools, Sequoyah High School, and Cherokee Nation Head Start Centers, an amount equal to 20% of such revenues for counties, municipalities, and federally- and/or state-funded highway construction or maintenance projects located within the jurisdictional area, and up to 20% of the remaining revenues net of costs incurred in administering the tag office for funding local law enforcement within the jurisdictional area. The term of the compact shall remain for a period of ten years. Amounts restricted for schools, highways, and law enforcement at September 30, 2006 totaled approximately \$5,255,000. A summary of activity in this reserved fund balance during the year ended September 30, 2006 follows (in thousands):

Balance at beginning of year	\$ 4,761
FY2006 Motor Vehicle Tax revenues	7,188
Interest earnings on unexpended funds	125
Actual expenditures	<u>(6,819)</u>
Balance at end of year	<u>\$ 5,255</u>

**Cash Reserve** — In 2002, Legislative Act 5-02, authorized the establishment of a permanent Cash Reserve Fund to be maintained at 1.75% of total authorized appropriations in the annual comprehensive budget for each and every subsequent year thereafter. The total of this reserve at September 30, 2006 was \$1,256,000.

**Arkansas River Drybed Lands Settlement** — In FY 2004, Legislative Act 5-04 established the policies and procedures for governing the use and expenditure of trust funds awarded to the Cherokee Nation under the Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act ("Settlement Act"). The Settlement Act specifically set aside trust funds to be appropriated by Congress for Trust Land Acquisitions. The settlement proceeds, after payment of legal fees are reserved for the purchase of land in designated areas. The reserved fund balance and interest accumulated on the Arkansas River Drybed Lands Settlement at September 30, 2006 follows (in thousands):

Balance at beginning of year	\$ 1,867
Transfer from Judgement Funds	2,198
Legal fees	(450)
Actual expenditures	<u>(1,721)</u>
Balance at end of year	<u>\$ 1,894</u>

**Unreserved General Fund** — A summary of activity in the unreserved General Fund balance for the year ended September 30, 2006 follows (in thousands):

Unreserved fund balance at beginning of year	\$ 24,175
FY2006 General Fund revenues and other financing sources	63,289
Less:	
Actual expenditures and other financing uses	(49,398)
Additional funds restricted by Tribal Council in 2006	<u>(1,490)</u>
Unreserved fund balance at end of year	<u>\$ 36,576</u>

The Indirect Cost Settlement reserved fund balance was transferred to the Nowata, Muskogee and Sallisaw clinics to assist in construction of the facilities as required by the 2006 approved budget and was expended prior to September 30, 2006.

The Sequoyah High School reserved fund balance was expended in fiscal year 2006. The facility built with these funds, entitled, "The Place Where They Play" is a multi-purpose building encompassing a gymnasium, theater, classroom and auditorium for the Sequoyah High School and the Cherokee Nation.

The remaining fund balance reserved by legislative acts resides in other governmental funds.

### **13. LANDFILL CLOSURE AND POSTCLOSURE CARE COSTS**

The Nation operates a solid waste landfill in eastern Oklahoma. The Nation accounts for this landfill operation in accordance with the provisions of GASB Statement No. 18, "Accounting for Municipal Solid Waste Landfill Closure and Postclosure Care Costs" ("Statement No. 18"), in the Landfill Operations Enterprise Fund.

Federal regulations will require the Nation to place a final cover on its landfill site when it stops accepting waste and to perform certain maintenance and monitoring functions at the site for thirty years after closure. Although closure and postclosure care costs will only be paid near or after the date the landfill stops accepting waste, Statement No. 18 requires proprietary funds, such as Landfill Operations, to report a portion of these costs as an operating expense in each period based on landfill capacity and utilization. The \$1,909,000 reported as Landfill Closure and Postclosure Care Liability at September 30, 2006 (included in "Other Noncurrent Liabilities"), represents the cumulative costs recognized to date based on the existing use of 30% of the total estimated capacity of the landfill. Landfill Operations will recognize the remaining estimated cost of closure and postclosure care of approximately \$4,333,000 as the remaining estimated capacity is filled. These estimated closure amounts are based on what it would cost to perform all closure and postclosure care in 2006. The Nation expects the landfill to have a remaining life of approximately 16 years. Actual costs may be higher due to inflation, changes in technology, or changes in regulations.

The Nation makes annual contributions to a restricted bank account to finance closure and postclosure care. At September 30, 2006, restricted cash and cash equivalents of approximately \$1,829,000 were held for these purposes. The Nation expects that future inflation costs will be paid from interest earnings on these annual contributions. However, if interest earnings are inadequate or additional postclosure care requirements are necessary (due to changes in technology or applicable laws or regulations, for example), such costs may need to be funded by charges to future landfill users or other revenue sources.

Effective July 1, 2005, the Cherokee Nation entered into an operating agreement with Indian County Investments, LLC, ("ICI") to have the exclusive right to manage and operate Cherokee Nation Sanitary Landfill ("CNSL"). This agreement has a term of the life of the facility, which is an estimated 16 years. Within this agreement ICI has agreed to pay the Nation \$3 million dollars, for certain equipment and the operating rights for the facility, of which, \$300,000 was paid to the Nation by ICI upon execution of this agreement which is reported as deferred revenue at September 30, 2006. The remaining \$2.7 million is due to the Nation upon completion by ICI of the facility master plan and approval by the Cherokee Nation Environmental Protection Commission ("CNEPC").

Under the agreement, certain Nation employees are leased to ICI. The cost of salaries and benefits for the leased employees is paid to the Nation by ICI. In 2006, the aggregate amount of these salaries and benefits was \$584,000 and is included in the charges for services and goods on the statement of revenues, expenses and changes in fund net assets.

Under the agreement the Nation is to receive a quarterly host fee that is based upon actual tonnage generated at the CNSL. In 2006, the host fees were \$415,000. Until CNSL has received approval of the facility master plan from the CNEPC, ICI will pay to the Nation a host fee of \$2.00 per ton of waste collected at the CNSL quarterly. Upon completion of this permit, ICI has committed to pay the Nation an annual guaranteed host fee of \$500,000 per year for the subsequent two (2) years, \$750,000 for year 3 and \$900,000 for year 4 and all subsequent years. Under the agreement, the Nation is to receive \$1.00 per ton of waste collected at the CNSL for closure and postclosure costs. The amount per ton is to be adjusted annually based on engineering reports.

#### **14. RISK MANAGEMENT AND SELF-INSURED HEALTH PLANS**

The Nation manages its risk exposures through risk retention and the purchase of insurance. In the area of health benefits, the Nation utilizes a modified self-insured program with a third party administrator. Claims for benefits are paid by the Nation to a level of \$150,000 per year per employee. Amounts over \$150,000 are subject to reimbursement by the insurance company.

The Nation is self-insured against employee health and short-term disability claims incurred under its employee group health disability plan. The maximum liability risk to the Nation is \$150,000 per employee per year. Any claims in excess of this limit are covered by insurance. Significant insurable exposures other than health claims are covered by commercial insurance. For insured exposures, there were no significant reductions in insurance coverage during the year ended September 30, 2006. Additionally, settlement amounts have not been in excess of insurance coverage in each of the past three years.

Workers' Compensation benefits are provided within the All Lines Aggregate program described below. There is \$100,000 retention with a maximum benefit of \$1,000,000 each accident or disease/employee applies.

The first \$100,000 of risk is retained with the All Lines Aggregate program responding to losses occurring between \$100,001 - \$5,000,000. A stop loss equivalent to 1.8% of payroll is in place to limit the Nation's exposure. Coverage provided by the All Lines Aggregate program includes the following exposures: Commercial Auto, General Liability, Crime, Employee Dishonesty, Directors' & Officers' Liability, Errors and Omissions Liability, Law Enforcement Officials Liability, Employee Benefit Liability, Employment Related Practices Liability, Medical Malpractice and Workers' Compensation. Effective 10/01/2005, the \$10,000,000 was discontinued and the liability limit for the All Lines Aggregate program was increased to \$5,000,000.00 per occurrence.

The Nation's reported employee health claims liability of \$2,013,000 at September 30, 2006, has been recorded in accordance with GASB Statement No. 10, which requires that a liability for claims be reported if information prior to the issuance of the financial statements indicates that it is probable that a liability has been incurred at the date of the financial statements and the amount of the loss can be reasonably estimated.

The claims liability has been estimated based upon historical claims experience. The Nation believes that this method of estimating the liability is sufficient to determine the amount of open claims and to provide for claims that have been incurred but not reported ("IBNR"). Changes in the reported liability have been as follows (in thousands):

<b>Fiscal Year</b>	<b>Balance at Beginning of Year</b>	<b>Claims and Changes in Estimates</b>	<b>Claim Payments</b>	<b>Balance at End of Year</b>
2005	\$ 2,202	\$ 13,295	\$ (12,194)	\$ 3,303
2006	\$ 3,303	\$ 12,885	\$ (14,175)	\$ 2,013

The claims above are expected to be paid from currently available financial resources and are included in accounts payable and accrued liabilities in the accompanying Proprietary Funds statement of net assets.

#### **15. EMPLOYEE RETIREMENT PLAN**

The following brief descriptions of the Nation's retirement plans are provided for general information purposes only. Participants should refer to the applicable plan documents for more complete information. The Nation sponsors a defined contribution 401(k) plan, which utilizes Reliance Trust Company, as trustee. A defined contribution plan provides retirement benefits in return for services rendered, provides an individual account for each participant, and specifies how contributions to the individual's account are to be determined. Under a defined contribution plan, the benefits a participant will receive depend solely on the amount contributed to the participant's account, the returns earned on investments of those contributions, and forfeitures of other participants' benefits that may be allocated to such participant's account. All regular full-time and regular part-time employees who have attained at least 18 years of age are eligible to participate in the plan upon employment. The plan year is January 1 through December 31. Participants become fully vested after four years of participation in the plan. Employees may contribute from 1% to 25% of their gross salary, and after 6 months of service the Nation will match 100% for the first 5% and 50% of the next 4%. The plan is administered by the Group Leader of Human Resources, with input from the Nation's Pension Committee. The Pension Committee consists of the plan administrator and employees of the Nation. The plan administrator is responsible for amending the plans' provisions, including contribution requirements.

The Nation's primary government's total gross payroll for fiscal 2006 was approximately \$74,523,000, which included approximately \$73,266,000 for employees covered by the plans.

Contributions to the 401(k) plan for 2005 were approximately \$5,500,000. Contributions expressed in dollars and percent of covered payroll were: Nation \$2,400,000, 3.3% and participants \$3,100,000, 4.2%.

**Trend Information**  
(in thousands)

<u>Fiscal Year</u>	<u>Required Contribution</u>	<u>Percentage Contribution</u>
2004	\$ 2,073	100%
2005	\$ 2,269	100%
2006	\$ 2,414	100%

In 2004 the Nation sponsored a deferred compensation 457(B) plan, which utilizes Nationwide Trust Company, FSB as trustee. A deferred compensation plan provides retirement benefits and provides an individual account for each participant, and specifies how contributions to the individual's account are to be determined. Under a deferred compensation plan, the benefits a participant will receive depend solely on the amount contributed to the participant's account and the returns earned on investments of those contributions. The 457(b) plan mirrors the 401(k) eligibility requirements and also allows participation of elected officials. The plan year is January 1 through December 31. Participants become fully vested after four years of participation in the plan. Employees may contribute up to 100% of their gross salary, and after 6 months of service the Nation will match 100% for the first 5% and 50% of the next 4%, not to exceed a total combined match of 7% in all retirement plans. The plan is administered by the Group Leader of Human Resources, with input from the Nation's Pension Committee. The Pension Committee consists of the plan administrator and employees of the Nation. The plan administrator is responsible for amending the plans' provisions, including contribution requirements. Contributions to the 457(b) plan for 2006 were \$253,736 of which \$72,163 was required and made by the Nation and \$181,573 was made by participants.

The discretely presented component units maintain separate employee retirement plans. Details of these plans are available in the reports of the respective component units.

#### **16. RELATED PARTY TRANSACTIONS**

The Nation requires monthly dividend payments from component units, organized under the Nation's laws, based on a percentage of net income (30% as of September 30, 2006). Dividend payments to the Nation by component units totaled \$25,443,521 (which includes an accrual of \$2,468,264 for distribution in October 2006) during 2006. The accrual is included in accounts payable balance for CNB. Of this amount, \$20,346,283 was transferred directly to the Nation from CNE and \$5,097,238 was transferred to the Nation from CNB after the transfer of ownership of CNE to CNB.

The Nation levies certain taxes and fees which apply to some of the Nation's component units. During 2006, the Nation collected a tribal tax on food and beverage, tobacco, merchandise and other retail sales from CNE totally \$938,931. The Nation's Gaming Commission, which has regulatory oversight responsibility for gaming, collected fees of \$1,800,000 from CNE. The Nation also provides certain security services to CNE through the Nation's Marshal Service. In 2006, the Nation collected \$511,803 from CNE for services provided by the Marshals.



The Nation received capital grants from CNE in the amount of \$411,836. The grants were for the donation of a modular building with a value of \$322,978 and expenses of \$88,858 incurred by CNE related to the refurbishment of the Sequoyah High School softball complex.

The Nation has entered into certain lease agreements with CNE. CNE leases land for a driving range at the Cherokee Trails Golf Course in Tahlequah, Oklahoma, expiring on August 31, 2009. CNE also leases the restaurant and gift shop facilities in Tahlequah expiring on September 30, 2007. Each lease requires a nominal annual fee.

The Nation provided an operating grant of \$832,000 to Cherokee Nation Comprehensive Care Agency (CNCCA) during 2006 for the start-up operations of CNCCA's program of all inclusive care for the elderly (PACE) program (\$500,000) and movement of equity in a joint venture (\$332,000).

Cherokee Nation Businesses — In 2006, CNB provided internal audit, legal and other services to CNI, at a cost to CNI of \$300,000. This amount is included in CNB's accounts receivable as of September 30, 2006. CNB also provided internal audit, legal and other services to CNE, a blended component unit of CNB.

In 2006, CNB entered into a construction agreement with Cherokee Nation Home Health Services, Inc., another component unit of the Cherokee Nation for the construction of a building to be used by the Nation's Program of All-Inclusive Care for the Elderly ("PACE"). The construction contract is for actual time and material costs not to exceed \$960,000. Upon completion of the building, CNB expects to lease the building to the Nation's PACE program under a long term lease arrangement.

Cherokee Nation Industries — The Nation leases certain properties to CNI under a month-to-month agreement. Lease revenues to the Nation for the properties were approximately \$67,000 for 2006.

The Nation entered into a Memorandum of Understanding (MOU) with CNI to manage certain construction contracts of the Nation and CNE facilities. These contracts were previously managed by the Nation and CNE. The Nation and CNE agreed to pay CNI a management fee of 10% of the cost of the projects. CNI had construction revenue of approximately \$9,510,000 and construction costs of approximately \$8,420,000 resulting from the arrangement. At June 30, 2006, The Nation and CNE owed approximately \$3,132,000 for reimbursement of construction costs and management fees to CNI.

Cherokee Nation Home Health Services — In February 2006, CNHHS entered into an agreement with Cherokee Nation Comprehensive Care Agency (CNCCA) PACE program, to provide an all-inclusive care program for the elderly. CNHHS recognized service revenue and related expenses and at year end held \$12,311 of accounts receivable, net from this transaction. CNHHS received \$160,951 from the Nation for services, of which \$138,471 was earned and recognized as other service revenue in the CNHHS statements with related expenses of \$123,947 for the year ended September 30, 2006.

Cherokee National Historical Society — In November 2005, the Nation, CNE, and the Cherokee National Historical Society (CNHS) entered into a Memorandum of Agreement to further the parties shared mission to preserve the culture and history of the Cherokees by assigning duties to the party that can best perform those duties. CNHS remained responsible for all charitable fundraising, maintaining memberships, operating the museum and teach the Cherokee Humanities Course. In 2006, CNE provided marketing services, including group sales, and operation of the museum store at a net cost to CNE of \$15,000. The Nation performed all remaining operational and educational functions such as accounting, purchasing, contracts, human resources, information technology, and facilities maintenance. The Memorandum of Agreement is renewable annually upon agreement of the entities involved. For fiscal year 2006, the Nation's general fund included an operational budget of \$1,200,000 for the Cherokee Heritage Center.

## 17. COMMITMENTS AND CONTINGENCIES

Delaware Litigation — In 1998, Cherokee Nation challenged the Secretary of the Interior's decision to recognize the Delaware Tribe of Indians as a federally recognized Indian tribe existing independently of the Cherokee Nation. The 10<sup>th</sup> Circuit Court in 1994 reversed the District Court, holding that the Delaware were "incorporated" into the Cherokee Nation by an 1867 treaty and thus not a federally recognized Indian tribe. The United States Supreme Court denied certiorari on October 3, 2005. Final judgment was filed on October 26, 2005. Negotiations are ongoing to resolve issues concerning the relationship of the parties.

Citizenship Litigation — The Nation held a special election on March 3, 2007 regarding criteria for citizenship in the Cherokee Nation. The results of that election were that citizenship is now limited to those individuals who had an Indian ancestor on the Dawes Rolls. There is a case filed in the District Court of the District of Columbia, pending on the same issue. Those persons excluded by the special election have alleged that they cannot be disenrolled under the Nation's 1866 Treaty with the United States, along with various federal laws. The net impact of this case is not certain but is not expected to have a material adverse economic impact on the Nation.

Federal Grants — In the normal course of operations, the Nation and its component units receive grant funds from various federal agencies. The grant programs are subject to audit by agents of the granting authority, the purpose of which is to insure compliance with conditions precedent with the granting of funds. Management does not believe any liability for reimbursement which may arise as the result of these audits will be material.

Tobacco Compact with the State of Oklahoma — The Nation has requested arbitration to resolve differences arising from its' tobacco compact with the state of Oklahoma. The differences arose when the state repealed sales tax on cigarettes, which the Nation contends is forbidden in the terms of the compact. The arbitration process is not expected to have any significant impact on the financials statements of the Nation.

United Keetoowah Band/Arkansas River Drybed Settlement Claim — The United Keetoowah Band of Cherokee Indians of Oklahoma filed a claim in the United States Court of Claims, alleging that it was entitled to a portion of the funds from the Arkansas Riverbed Settlement Act passed by Congress. That claim was denied and is now on appeal to the United States Federal Circuit Court of Appeals. The legal proceedings, in the opinion of management, based on available information, are not likely to have a material adverse impact on the affected funds of the Nation.

Constitution — The Nation's citizens approved a new Constitution in 2003 which, among other changes, removed the requirement that the United States government approve changes to the Constitution. The Constitution has been implemented. The implementation of the new constitution is not expected to have a material impact on the financial statements of the Nation.

Other Legal Contingencies — The Nation and its component units are party to various legal proceedings, which normally occur, in governmental operations. The legal proceedings, in the opinion of management, based on available information, are not likely to have a material adverse impact on the affected funds of the Nation.

Housing and Urban Development (HUD) Audit — The U.S. Department of Housing and Urban Development (HUD) issued a monitoring report, dated August 2, 2006, of the Nation's NAHASDA program for the years 2002 through 2005, which contained several findings. Although most of the findings pertained to internal procedures, the report does contain questioned costs of \$62,067, which were reclassified to non-federal funds upon further internal review by the Nation. The most significant questioned cost related to the Nation's

Marshal Service expenditures totaling \$3,765,000. The Nation disagreed with the finding and is continuing to work with HUD to provide the information needed to resolve these questions. The Nation does not expect any additional significant financial impact as a result of the monitoring report.

**HACN Matters** — The HACN has provided a "Tax Credit Recapture Guarantee" to the Limited Partners of Jay Senior Housing, Stilwell Senior Housing, and the Wisdom Keepers Limited Partnerships (third party syndicators of the tax credits) should the Internal Revenue Service disallow the use of any of the tax credits being marketed to third party investors by the Limited Partners. The HACN has also provided "Operating Deficit Guarantees" to the Limited Partners of Jay and Stilwell Senior Housing Limited Partnerships and Wisdom Keepers Limited Partnerships which would require the Housing Authority to provide capital for operations should the need arise.

**CNE Matters** — New games continue to be introduced at the gaming sites, which management of CNE believes are permitted under the Class II gaming restrictions or the Compact; however, the permissibility of these games can and may be challenged by licensing and governing authorities that exercise jurisdiction over these activities.

CNE has various construction projects underway at September 30, 2006, some of which are under contractual commitments, while others do not include contractual commitments, but once construction is started there is generally a business imperative to complete such construction projects. At September 30, 2006, the remaining contractual commitments were approximately \$5,200,000, and the estimated costs to complete other construction projects underway, but not under contractual commitments, were approximately \$13,000,000. Subsequent to September 30, 2006, CNE entered into new construction contracts for expansion projects in Siloam and Roland, Oklahoma. These contracts do not include commitments but once the projects are started there is a business imperative to complete such projects. Total estimated completion costs for these subsequent contracts is approximately \$70,000,000.

In 2004, CNE acquired the property and facilities formerly known as Will Rogers Downs from an unrelated party. As part of the purchase price, CNE agreed to pay an additional \$1,250,000 when, and if, the property is placed into trust status with the Bureau of Indian Affairs, and could be required to make additional payments based on the cash flows generated by the operation of the facility. These additional payments will be capitalized when, and if, made and depreciated, as applicable, over the remaining economic life of the property. No additional payments as described above were required to be made in 2006.

## **18. CNI INVESTMENT IN EQUITY INVESTEES**

CNI recognized losses from its equity investments in Global Energy Group, Inc. (GEG) and Cherokee Idling Solutions (CISS) during 2006 of approximately \$4,772,000. The losses primarily resulted from a write-off of the carrying value of the investments, based on uncertain future value of the investments.

## **19. SUBSEQUENT EVENTS**

Subsequent to September 30, 2006, the Cherokee Nation passed an Act increasing the minimum wage requirements for all Cherokee Nation employees and employees of entities such as CNB, CNE, and CNI which are effectively owned by the Cherokee Nation. The Act increased the minimum wage from \$5.15 per hour to \$7.50 per hour effective in January 2007, with additional increases to \$8.25 and \$9.00 effective October 31, 2007 and 2008, respectively.

The Nation issued their \$30,000,000 Series 2006 Health Care System Bonds on December 21, 2006. The bonds were issued to fund construction of new clinics in Muskogee and Nowata and an administrative annex for the Redbird Smith clinic in Sallisaw. The bonds carry a coupon rate of 4.1- 4.6% and mature in three

phases beginning in 2011. The bonds are secured by a pledge of the health clinics 3<sup>rd</sup> party revenue and a general obligation of the Nation. A monthly debt service reserve of approximately \$230,000 will be transferred to the bond trustee, Bank of Oklahoma Trust Services. The bonds are insured through ACA Capital and carry a Standard & Poor's "A" rating. The underwriter for the bond issuance was BOSC, Inc., a subsidiary of BOK Financial Corporation. The proceeds of the bonds will be used to pay off debt incurred to date on these projects and to complete the construction projects.

The Muskogee Clinic, the largest of the three projects, will be constructed and operated in accordance with a Joint Venture Construction Program Agreement ("JVCP") between the Nation and the Indian Health Service, Department of Health and Human Services dated December 28, 2005. The Nation will plan, design, construct, equip, lease and operate the Muskogee Clinic according to IHS specifications. The IHS will provide funds to staff and equip the facility in accordance with the joint venture agreement and the self-governance compact.

The JVCP agreement provides that the Nation is responsible for constructing the Muskogee Clinic. Upon completion of the Muskogee Clinic, the IHS will enter into a "no-cost lease" with the Nation. The no-cost lease is not intended to convey any real property interest in the Muskogee Clinic or the land it is located on but rather, the IHS is merely providing the funding for staffing and equipping the Muskogee Clinic. Pursuant to the terms of the JVCP Agreement, the Self Governance Compact and the no-cost lease, the Nation will be the sole operator of the Muskogee Clinic and all employees of the Muskogee Clinic will be employees of the Nation. The IHS will not directly provide services at the Muskogee Clinic. IHS funding for the operation of the Muskogee Clinic will be provided to the Nation through the Funding Agreements.

CNB Matters — On December 5, 2006, CNB acquired 51% of certain assets, including intangible assets, of CRC and Associates, Inc., a company owned by the minority member of Cherokee CRC, LLC. After acquisition, the assets were contributed by CNB to Cherokee CRC, LLC. The remaining 49% of the assets of CRC & Associates were transferred to Cherokee CRC, LLC by the minority member of Cherokee CRC, LLC. The total purchase price paid for the assets by CNB was \$1,125,000. The purchase agreement includes a contingent tax payment up to \$225,000 in the event the transaction results in a tax deficiency assessment to the minority member. In addition, the purchase agreement provides for employment agreements for the minority member and for the former President of CRC & Associates. The agreement also includes an additional consideration clause, payable in annual installments up to an aggregate maximum of \$500,000 based upon the future financial performance of Cherokee CRC, LLC.

On June 18, 2004, CNB, CT and Connex entered into a Revolving Credit and Term Loan Agreement (the "Loan Agreement"). The minority partners of Connex guaranteed 49% of Connex's debt under the Loan Agreement (the "Connex Debt") and provided collateral to secure their guaranty obligations. The Connex Debt was accelerated on November 30, 2006. The outstanding balance of the Connex Debt was \$3,947,341.43 plus accrued interest as of December 31, 2006. On February 9, 2007, the parties restructured the relationship such that (i) the minority partners paid \$50,000 at closing, (ii) the amount of the Connex Debt was reduced to \$1,950,000, (iii) the minority partners provided additional collateral and agreed to pay \$400,000 on March 7, 2007, and the balance of \$1,550,000 no later than July 31, 2007, and (iv) one of the minority partners and CT's interests in Connex were redeemed, and (v) the term "Cherokee" was removed from Connex's legal name. On March 7<sup>th</sup>, CT received the \$400,000 payment.

In August, 2005, CNB accepted five grants for Community-Oriented Connectivity Broadband Grant Program administered by the U. S. Department of Agriculture Rural Utilities Service aggregating \$3,444,370. The funds provided, together with a required match of 15%, aggregating \$607,830, are designated to be used to provide wireless broadband services to five rural communities located in eastern Oklahoma. As of the date of this report, the grant projects have not been initiated and no funds have been drawn on the grant awards. The Nation, through the Information Services group, has agreed to administer the grants and approval has been

received from the U.S. Department of Agriculture Rural Utilities Service to allow the Nation to administer the grants. The Nation will administer the grants and draw down funds as the projects are implemented.

Pursuant to Tribal Council Resolution 13-07, dated February 2007, CNB's board of directors approved a request for a special distribution to CNB from CNE, LLC for \$15,000,000. The funds will be utilized by CNB to facilitate the pay off of existing debt of CNI, and provide working capital to CNI. The initial transaction is expected to be in the form of a loan from CNB to CNI with a conversion to net assets in the future.

**20. ADJUSTMENT OF CNB NET ASSETS TO REFLECT CHANGES IN REPORTING ENTITY**

In July 2006, ownership in CNE was transferred from the Nation to CNB. CNE is now accounted for as a blended component unit of CNB. As a result of this transaction, CNB's beginning net assets at September 30, 2005 were adjusted to reflect the beginning net assets as though CNE had always been included in CNB. In addition, the beginning net assets have been adjusted to remove an allowance for loss on the notes receivable between CNE and CNB as of September 30, 2005, because if CNE was presented as a blended component unit of CNB at that date, there would be no need to reflect an allowance. A summary of these adjustments at September 30, 2005 are as follows:

CNB, net deficit at beginning of year as previously reported	(S1,041)
Adjustment to add net assets of CNE as previously reported by CNE at September 30, 2005	150,799
Adjustment to remove allowance on note receivable between CNE and CNB at September 30, 2005	<u>1,100</u>
Net assets of CNB at beginning of year, as adjusted	<u>\$150,858</u>

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# OTHER SUPPLEMENTARY INFORMATION

# NONMAJOR GOVERNMENTAL FUNDS

**Governmental Fund Types** – Governmental funds are those through which most governmental functions of the Nation are financed. The acquisition, use and balances of the Nation's expendable financial resources and the related liabilities (except those accounted for in proprietary funds) are accounted for through governmental funds. Governmental fund types use the current financial resources measurement focus. This measurement focus is upon the receipt and disbursement of current available financial resources rather than upon net income.

**Special Revenue Funds** – Special revenue funds are used to account for the proceeds of government grants or other specific revenue sources that are restricted by law or administrative action to finance particular functions or activities of the Nation. These funds include:

- **Self Governance DOI - Other** – Established to account for funds received under the Nation's self governance compact with the United States government. These funds are used to administer a number of programs under the Department of Interior relating to education, health and welfare, and tribal government within the Nation's geographic boundaries.
- **Talking Leaves Job Corps** – Established to account for funds received from the Department of Labor for counseling, training and job placement of disadvantaged youth.
- **Diabetes** – Established to account for Department of Health and Human Services Diabetes Grant funds used to purchase diabetic medicines and supplies, promote awareness and provide assistance to diabetic patients.
- **Food Distribution** – Established to account for Department of Agriculture food products provided to the Nation and grant funds used to pay administrative and program costs of a program which provides food to eligible Indian families.
- **Women, Infants and Children** – Established to account for grant funds received from the Department of Agriculture to supply supplemental food and nutrition education to women and children at nutritional risk.
- **Head Start** – Established to account for grant funds from the Department of Health and Human Services to provide comprehensive health, educational, nutritional, social, and other services primarily to economically disadvantaged preschool Indian children.
- **PL102-477** – Established to account for funds received through the Department of the Interior from the Department of Labor for counseling, training and job placement of disadvantaged youth, as well as from the Department of Health and Human Services to provide child care services for low-income families with a parent that is working or attending a training or educational program.
- **Title VI** – Established to account for borrowing and lending activities related to the United States Department of Housing and Urban Development Title VI loan agreement, the proceeds of which are obtained from federal government guaranteed bank financing and subsequently loaned to the Cherokee Nation Housing Authority, a component unit of the Nation.
- **Other Grants** – Established to account for various sources of grant funds used to fund specific program activities.
- **Tribal Judgment Funds** – Established to account for monies received by the Nation from the settlement of disputes with the United States government. The judgment monies are expended in accordance with plans for use and distribution adopted by the Nation and approved as applicable, by the Secretary of the Interior. The judgment fund is controlled and administered by the Bureau of Indian Affairs.
- **Tribal Trusts** – Established to account for income received from external users of tribal lands, such as oil and gas royalties. The Bureau of Indian Affairs administers these funds which may be expended upon request and approval by the Secretary.

**Capital Projects Fund** – Established in 2006 to account for financial resources to be used for major construction projects.

**Debt Service Fund** – Established in 2006 to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest related to health construction projects.

**Permanent Funds** – Permanent funds are used to report resources that are legally restricted to the extent that only earnings, and not principal, may be used for purposes supporting the Nation's programs.

- **Sequoyah Endowment** – Established to account for funds endowed from the Louise K. Green-Matthews Grant in Environmental Science. The income from the grant is to be used to encourage Cherokee students of at least one-quarter blood quantum to engage in furthering their education in the Environmental Science field.
- **Gammon Educational Trust** – Established to account for funds endowed by Glenn L. and Faye V. Gammon Trust. The income from this educational trust may be used to provide tuition and related educational assistance while they attend any accredited college or university located in the continental United States. The Cherokee students must be at least one-quarter blood quantum.



CHEROI ENATION

CONFIRMING BALANCE SHEET NON-MAJOR GOVERNMENTAL FUNDS

SEPTEMBER 30, 2006

(Dollars in Thousands)

per In Revenue Funds															Capital Projects			Debt Service			Permanent Funds			Total
Self Government DOLLAR		Talking Leaves Job Corps	Diabetes	Fund Distribution	Women, Infants, & Children	Head Start	PL 102-477	Trib VI	Other Grants	Tribal Judgment Funds	Tribal Trusts	Total	Capital Projects Fund	Debt Service Fund	Sequoyah Endowment Fund	Gammon Education Fund	Total	Total	Number (Governmental)					
Cash and cash equiv	\$ 3,714	\$ 44	\$ 4,951	\$ -	\$ 1,035	\$ -	\$ 7,912	\$ 310	\$ 945	\$ 10,6	\$ 1,122	\$ 70,501	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,591					
Investments	-	-	-	-	-	-	-	-	169	8,1	-	5,344	-	-	-	-	-	-	4,384					
Receivables, net	246	547	-	31	23	203	-	-	1,541	1	\$	2,752	-	-	-	-	-	-	2,753					
Due from other funds	-	-	-	-	-	-	118	-	-	-	-	112	-	-	-	-	-	-	2,458					
Inventories	-	-	-	-	-	-	-	-	-	-	-	652	-	-	-	-	-	-	652					
Notes receivable	-	-	-	-	-	-	-	-	149	-	-	149	-	-	-	-	-	-	149					
Other current assets	-	-	-	-	-	-	-	-	149	-	-	448	-	-	-	-	-	-	448					
Restricted cash and co equivalents	-	-	-	-	-	-	-	-	-	1,578	-	1,578	-	-	-	278	314	562	2,149					
Total assets	\$ 3,982	\$ 587	\$ 4,851	\$ 443	\$ 1,058	\$ 203	\$ 8,436	\$ 310	\$ 3,904	\$ 20,450	\$ 1,177	\$ 44,873	\$ 2,241	\$ 99	\$ 318	\$ 314	\$ 542	\$ -	\$ 47,578					
LIABILITIES AND FUND BALANCE																								
Liabilities.																								
Accounts payable and accrued liab	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 132	\$ 91	\$ -	\$ -	\$ 243	\$ 250	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 991					
Due to other funds	1,419	587	517	31	780	203	-	-	1,272	3,598	64	12,971	2,015	-	35	-	35	-	15,621					
Due to component unit	-	-	-	-	-	-	-	-	22	-	-	27	-	-	-	-	-	-	27					
Other liabilities	-	-	-	-	542	-	-	-	-	-	-	544	-	-	-	-	-	-	544					
Deferred grant revenue	2,538	-	4,134	-	174	-	2,366	-	297	-	-	14,293	-	-	-	-	-	-	14,293					
Deferred revenue	35	-	-	652	-	-	-	-	-	-	-	677	-	-	-	-	-	-	677					
Total liabilities	3,982	587	4,851	693	1,496	203	2,366	132	2,159	3,598	64	20,165	2,264	-	35	-	35	-	31,066					
Fund balance, reserved	-	-	-	-	-	-	620	155	715	12,852	1,113	15,508	-	99	193	314	527	-	16,134					
Fund balance, unreserved	-	-	-	-	-	-	670	158	715	12,852	1,113	15,508	(1,520)	-	-	-	-	-	(1,520)					
Total fund balance	-	-	-	-	-	-	670	158	715	12,852	1,113	15,508	(528)	99	193	314	527	-	15,615					
Total liabilities and fund bal	\$ 3,982	\$ 587	\$ 4,851	\$ 693	\$ 1,496	\$ 203	\$ 8,936	\$ 210	\$ 2,864	\$ 20,450	\$ 1,177	\$ 44,673	\$ 2,241	\$ 99	\$ 318	\$ 314	\$ 562	\$ -	\$ 47,578					

LIABILITIES AND FUND BALANCE

Liabilities

Accounts payable and accrued liabilities

Due to other funds

Due to component unit

Other liabilities

Deferred grant revenue

Deferred revenue

Total liabilities

Fund balance, reserved

Fund balance, unreserved

Total fund balance

Total liabilities and fund balance

(Thousands in Tensands)

[illegible]

# NONMAJOR ENTERPRISE FUNDS

**Enterprise Funds** – Enterprise funds are used to account for the Nation's ongoing organizations and activities which are similar to those often found in the private sector where the intent is that costs of providing goods and services be recovered through user charges. The measurement focus of the Enterprise Funds, the flow of economic resources, is upon determination of net income, financial position and capital maintenance. The enterprise funds of the Nation, all of which are nonmajor, include:

- **Tsa-La-Gi Apartments** – Utilized to account for the operations of the Nation's federally subsidized low-income housing apartment complex, whose operating focus is to provide housing for qualified tribal members and to recover costs of operations.
- **Landfill Operations** – Utilized to account for the solid waste landfill operations of the Nation located in Stilwell, Oklahoma.
- **EDTA** - Established by Tribal Council Legislative Act 36-89 as a mechanism to promote economic development. Its mission is to provide opportunities for income generation through economic development, to provide loans for business creation/expansion, and to provide loans to qualified individuals whom have traditionally been denied through conventional lending sources.
- **Other Enterprises** – Utilized to account for various other small proprietary programs operated by the Nation such as Enterprise Management, 202 HUD Housing Management, Indian Health Services Personnel Service Agreement, Home Maintenance, Cherokee Navigation, and Child Care. The beginning balance of Childhood Development Center fund was combined with Other Enterprises and in 2006 the activities of Childhood Development Center were transferred and are reported in the nonmajor governmental funds.

# CHEROKEE NATION

## COMBINING STATEMENT OF NET ASSETS - NONMAJOR ENTERPRISE FUNDS

SEPTEMBER 30, 2006

(Dollars in Thousands)

	<u>Tsa-La-Gi Apartments</u>	<u>Landfill Operations</u>	<u>EDTA</u>	<u>Other Enterprises</u>	<u>Total</u>
<b>ASSETS</b>					
Current assets:					
Cash and cash equivalents	\$ 73	\$ 216	\$ 1,551	\$ -	\$ 1,840
Accounts receivable, net	-	718	-	-	718
Due from other funds	-	-	-	72	72
Notes receivable, current	-	-	238	-	238
Other current assets	2	-	-	-	2
Total current assets	75	934	1,789	72	2,870
Noncurrent assets:					
Restricted cash and cash equivalents	221	1,829	-	-	2,050
Long-term notes receivable	-	-	1,606	-	1,606
Capital assets, net	700	6,061	-	-	6,761
Total noncurrent assets	921	7,890	1,606	-	10,417
Total assets	996	8,824	3,395	72	13,287
<b>LIABILITIES</b>					
Current liabilities:					
Accounts payable and accrued liabilities	36	13	-	-	49
Current portion of long-term debt	86	184	42	-	312
Due to other funds	50	2,110	50	-	2,210
Other current liabilities	18	-	-	-	18
Total current liabilities	190	2,307	92	-	2,589
Noncurrent liabilities:					
Long-term unearned revenue	-	300	-	-	300
Long-term debt	488	1,350	1,497	-	3,335
Other liabilities	-	1,909	-	-	1,909
Total noncurrent liabilities	488	3,559	1,497	-	5,544
Total liabilities	678	5,866	1,589	-	8,133
<b>NET ASSETS</b>					
Invested in capital assets, net of related debt	126	4,527	-	-	4,653
Unrestricted net assets/(deficit)	192	(1,569)	1,806	72	501
Total net assets	\$ 318	\$ 2,958	\$ 1,806	\$ 72	\$ 5,154

# CHEROKEE NATION

## COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS - NONMAJOR ENTERPRISE FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

### Business-type Activities- Enterprise Funds

	Tsa-La-Gi Apartments	Landfill Operations	EDTA	Other Enterprises	Total
Operating revenues:					
Property rentals	\$ 486	\$ -	\$ -	\$ -	\$ 486
Charges for services and goods	-	1,216	-	6	1,222
Other	6	-	23	-	29
Total operating revenues	492	1,216	23	6	1,737
Operating expenses:					
Salaries and wages	37	584	-	5	626
Other services and charges	245	161	170	1	577
Materials and supplies	15	3	-	-	18
Depreciation and amortization	51	918	-	-	969
Total operating expenses	348	1,666	170	6	2,190
Operating income (loss)	144	(450)	(147)	-	(453)
Nonoperating revenues (expenses):					
Grant revenues	-	-	119	-	119
Interest income	8	166	160	-	334
Interest expense	(42)	(81)	(12)	-	(135)
Other sources	-	69	-	-	69
Gain/(loss) on sale of fixed assets	-	-	-	72	72
Net nonoperating revenues (expenses)	(34)	154	267	72	459
Income (loss) before transfers	110	(296)	120	72	6
Transfers in	-	-	91	-	91
Transfers out	-	(42)	(1)	(91)	(134)
Change in net assets	110	(338)	210	(19)	(37)
Total net assets - beginning	208	3,296	1,596	91	5,191
Total net assets - ending	\$ 318	\$ 2,958	\$ 1,806	\$ 72	\$ 5,154

# CHEROKEE NATION

## COMBINING STATEMENT OF CASH FLOWS - NONMAJOR ENTERPRISE FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

### Business-type Activities- Enterprise Funds

	Tsa-La-Gi Apartments	Landfill Operations	EDTA	Other Enterprises	Total
Cash flows from operating activities:					
Receipts from customers	\$ 486	\$ 1,216	\$ -	\$ 6	\$ 1,708
Payments to suppliers	(255)	(222)	(170)	(1)	(648)
Payments to employees	(37)	(584)	-	(5)	(626)
Internal activity, net - payments (to)/from other funds	-	(605)	50	(114)	(669)
Program loans	-	-	(442)	-	(442)
Other receipts	6	-	23	1	30
Net cash provided/(used) by operating activities	200	(195)	(539)	(113)	(647)
Cash flows from noncapital financing activities					
Operating subsidies and transfers (to)/from other funds		(42)	90	(91)	(43)
Grant revenues		-	119	-	119
Receipts from other sources		69	-	-	69
Net cash provided by noncapital financing activities		27	209	(91)	145
Cash flows from capital and related financing activities					
Purchases of capital assets	-	(879)	-	-	(879)
Proceeds from capital debt	-	1,300	483	-	1,783
Principal paid on capital debt	(82)	(442)	(42)	-	(566)
Interest paid on capital debt	(42)	(81)	(12)	-	(135)
Proceeds from sales of capital assets	-	-	-	72	72
Net cash (used) by capital and related financing activities	(124)	(102)	429	72	275
Cash flows from investing activities					
Proceeds from sale of investments	11	-	-	-	11
Interest and dividends received	8	166	160	-	334
Net cash provided by investing activities	19	166	160	-	345
Net increase (decrease) in cash and cash equivalents	95	(104)	259	(132)	118
Cash and cash equivalents, October 1, 2005	199	2,149	1,292	132	3,772
Cash and cash equivalents, September 30, 2006	\$ 294	\$ 2,045	\$ 1,551	\$ -	\$ 3,890
Cash and cash equivalents consist of:					
Unrestricted cash and cash equivalents	\$ 73	\$ 216	\$ 1,551	\$ -	\$ 1,840
Restricted cash and cash equivalents	221	1,829	-	-	2,050
	\$ 294	\$ 2,045	\$ 1,551	\$ -	\$ 3,890
Reconciliation of operating income (loss) to net cash provided (used) by operating activities:					
Operating income (loss)	\$ 144	\$ (450)	\$ (147)	\$ -	\$ (453)
Adjustments to reconcile operating income to net cash provided (used) by operating activities:					
Depreciation expense	51	918	-	-	969
Change in assets and liabilities:					
Receivables and due from (to) other funds	-	(363)	(442)	(57)	(862)
Liabilities and other payables	5	(300)	50	(56)	(301)
Net cash provided by operating activities	\$ 200	\$ (195)	\$ (539)	\$ (113)	\$ (647)

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# INTERNAL SERVICE FUNDS

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**Internal Service** funds are used to account for the financing of goods and services provided by one fund to other funds within the Nation on a cost reimbursement basis.

- **Internal Leases** is used to account for the cost to maintain certain buildings for use by other funds of the Nation.
- **Force Accounts** is used to acquire and maintain equipment and supplies used by other funds of the Nation.
- **Fringe Pool** is used to account for the cost of fringe benefits, including the Nation's self-insured health care benefits and workers' compensation benefits, used by other funds of the Nation.
- **Indirect Cost Pool** is used to account for the cost of providing certain services, such as accounting, human resources and acquisition management, to other funds of the Nation.
- **Construction** is used to account for the cost to manage construction of buildings for use by other funds of the Nation. The management of this fund transferred to CNI in 2006.

# CHEROKEE NATION

## COMBINING STATEMENT OF NET ASSETS - INTERNAL SERVICE FUNDS

SEPTEMBER 30, 2006

(Dollars in Thousands)

	Internal Leases	Force Accounts	Fringe Pool	Indirect Cost Pool	Construction	Total
<b>ASSETS</b>						
<b>Current assets:</b>						
Cash and cash equivalents	\$ -	\$ 1	\$ 1,152	\$ 8	\$ -	\$ 1,161
Accounts receivable, net	-	-	17	224	-	241
Inventories	-	-	-	111	-	111
Other current assets	-	8	-	155	-	163
Total current assets	-	9	1,169	498	-	1,676
<b>Noncurrent assets:</b>						
Restricted cash & cash equivalents	972	27	-	-	-	999
Capital assets, net	9,671	300	-	1,675	-	11,646
Total noncurrent assets	10,643	327	-	1,675	-	12,645
Total assets	10,643	336	1,169	2,173	-	14,321
<b>LIABILITIES</b>						
<b>Current liabilities:</b>						
Accounts payable and accrued liabilities	-	-	3,544	101	-	3,645
Current portion of long-term debt	476	-	-	-	-	476
Current portion of capital leases	11	84	-	253	-	348
Due to other funds	771	125	1,027	720	-	2,643
Compensated absences	-	-	3,884	-	-	3,884
Other current liabilities	-	-	2,013	-	-	2,013
Total current liabilities	1,258	209	10,468	1,074	-	13,009
<b>Noncurrent liabilities:</b>						
Long-term debt	3,058	-	-	-	-	3,058
Capital leases payable	23	229	-	-	-	252
Total noncurrent liabilities	3,081	229	-	-	-	3,310
Total liabilities	4,339	438	10,468	1,074	-	16,319
<b>NET ASSETS</b>						
Invested in capital assets, net of related debt	6,103	(13)	-	1,422	-	7,512
Restricted	972	-	-	-	-	972
Unrestricted net assets/(deficit)	(771)	(89)	(9,299)	(323)	-	(10,482)
Total net assets/(deficit)	\$ 6,304	\$ (102)	\$ (9,299)	\$ 1,099	\$ -	\$ (1,998)

# CHEROKEE NATION

## COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS - INTERNAL SERVICE FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

	Internal Leases	Force Accounts	Fringe Pool	Indirect Cost Pool	Construction	Total
<b>Operating revenues:</b>						
Property rentals	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ 3
Charges for services and goods	2,500	-	34,374	22,497	-	59,371
Other	111	28	-	82	-	221
Total operating revenues	2,614	28	34,374	22,579	-	59,595
<b>Operating expenses:</b>						
Cost of sales	-	-	-	(4)	-	(4)
Salaries and wages	1,246	2	37,280	11,806	41	50,375
Other services and charges	858	59	-	9,483	52	10,452
Materials and supplies	112	21	-	1,522	-	1,655
Depreciation and amortization	376	142	-	829	-	1,347
Total operating expenses	2,592	224	37,280	23,636	93	63,825
Operating income (loss)	22	(196)	(2,906)	(1,057)	(93)	(4,230)
<b>Nonoperating revenues (expenses):</b>						
Interest income	24	1	-	-	-	25
Interest expense	(142)	(14)	-	-	-	(156)
Gain/(loss) on sale of capital assets	-	138	-	-	-	138
Net nonoperating revenues (expenses)	(118)	125	-	-	-	7
Income (loss) before transfers	(96)	(71)	(2,906)	(1,057)	(93)	(4,223)
<b>Transfers in</b>	-	-	-	-	538	538
Change in net assets	(96)	(71)	(2,906)	(1,057)	445	(3,685)
Total net assets/(deficit) - beginning	6,400	(31)	(6,393)	2,156	(445)	1,687
Total net assets/(deficit) - ending	\$ 6,304	\$ (102)	\$ (9,299)	\$ 1,099	\$ -	\$ (1,998)

# CHEROKEE NATION

## COMBINING STATEMENT OF CASH FLOWS - INTERNAL SERVICE FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

	Internal Leases	Force Accounts	Fringe Pool	Indirect Cost Pool	Construction	Total
Cash flows from operating activities:						
Receipts from customers	\$ 2,503	\$ -	\$ 34,374	\$ 22,497	\$ -	\$ 59,374
Payments to suppliers	(809)	(60)	-	(11,432)	-	(12,301)
Payments to employees	(1,246)	(2)	(37,280)	(11,806)	(41)	(50,375)
Internal activity, net - payments (to)/from other funds	(51)	20	2,221	1,356	(476)	3,070
Other receipts	-	-	1,469	-	(21)	1,448
Net cash provided/(used) by operating activities	<u>397</u>	<u>(42)</u>	<u>784</u>	<u>615</u>	<u>(538)</u>	<u>1,216</u>
Cash flows from noncapital financing activities						
Operating subsidies and transfers (to)/from other funds	-	-	-	-	538	538
Cash flows from capital and related financing activities						
Purchases of capital assets	-	-	-	(868)	-	(868)
Proceeds from capital debt	-	-	-	758	-	758
Principal paid on capital debt	(469)	(82)	-	(505)	-	(1,056)
Interest paid on capital debt	(142)	(14)	-	-	-	(156)
Proceeds from sales of capital assets	162	138	-	-	-	300
Net cash provided/(used) by capital and related financing activities	<u>(449)</u>	<u>42</u>	<u>-</u>	<u>(615)</u>	<u>-</u>	<u>(1,022)</u>
Cash flows from investing activities						
Interest and dividends	<u>24</u>	<u>1</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>25</u>
Net increase (decrease) in cash and cash equivalents	<u>(28)</u>	<u>1</u>	<u>784</u>	<u>-</u>	<u>-</u>	<u>757</u>
Cash and cash equivalents, October 1, 2005	<u>1,000</u>	<u>27</u>	<u>368</u>	<u>8</u>	<u>-</u>	<u>1,403</u>
Cash and cash equivalents, September 30, 2006	<u>\$ 972</u>	<u>\$ 28</u>	<u>\$ 1,152</u>	<u>\$ 8</u>	<u>\$ -</u>	<u>\$ 2,160</u>
Cash and cash equivalents consist of:						
Unrestricted cash and cash equivalents	\$ -	\$ 1	\$ 1,152	\$ 8	\$ -	\$ 1,161
Restricted cash and cash equivalents	<u>972</u>	<u>27</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>999</u>
	<u>\$ 972</u>	<u>\$ 28</u>	<u>\$ 1,152</u>	<u>\$ 8</u>	<u>\$ -</u>	<u>\$ 2,160</u>
Reconciliation of operating income (loss) to net cash provided (used) by operating activities:						
Operating income (loss)	\$ 22	\$ (196)	\$ (2,906)	\$ (1,057)	\$ (93)	\$ (4,230)
Adjustments to reconcile operating income to net cash provided (used) by operating activities:						
Depreciation expense	376	142	-	\$29	-	1,347
Change in assets and liabilities:						
Receivables and due from (to) other funds	-	-	1,180	627	73	1,880
Inventories	-	-	-	7	-	7
Other current assets	50	(8)	-	(33)	-	9
Accounts and other payables	(51)	20	2,510	242	(518)	2,203
Net cash provided by operating activities	<u>\$ 397</u>	<u>\$ (42)</u>	<u>\$ 784</u>	<u>\$ 615</u>	<u>\$ (538)</u>	<u>\$ 1,216</u>

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# COMPONENT UNIT

# **CHEROKEE NATION**

## **COMBINING SCHEDULE OF NET ASSETS - CHEROKEE NATION BUSINESSES, LLC**

**SEPTEMBER 30, 2006**

**(Dollars in Thousands)**

	Cherokee Nation Businesses LLC (CNB)	Cherokee Technologies LLC (CT)	Cherokee Nation Enterprises LLC (CNE)	Combination/ Elimination	Total
<b>ASSETS</b>					
<b>Current assets:</b>					
Cash and cash equivalents	\$ 225	\$ -	\$ 65,489	\$ -	\$ 65,714
Restricted cash	-	-	1,960	-	1,960
Investments	-	-	14,998	-	14,998
Receivables, net	300	-	4,176	-	4,476
Inventories	-	-	1,845	-	1,845
Notes receivable	2,955	2,000	98	(2,955)	2,098
Other current assets	117	-	2,393	-	2,510
Total current assets	3,597	2,000	90,959	(2,955)	93,601
Notes receivable	-	-	1,141	-	1,141
Investment in partnerships/joint ventures	187	1	-	-	188
Capital assets, net	198	-	151,629	-	151,827
Total assets	3,982	2,001	243,729	(2,955)	246,757
<b>LIABILITIES</b>					
<b>Current liabilities:</b>					
Accounts payable and accrued liabilities	718	1	35,700	-	36,419
Current portion of notes payable	-	2,955	-	(2,955)	-
Total current liabilities	718	2,956	35,700	(2,955)	36,419
Total liabilities	718	2,956	35,700	(2,955)	36,419
<b>NET ASSETS</b>					
Invested in capital assets, net of related debt	136	-	146,966	-	147,102
Restricted for:					
Construction	-	-	1,500	-	1,500
Unrestricted net assets/(deficit)	3,128	(955)	59,563	-	61,736
Total net assets (deficit)	\$ 3,264	\$ (955)	\$ 208,029	\$ -	\$ 210,338



# CHEROKEE NATION

## COMBINING SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS (DEFICIT) - CHEROKEE NATION BUSINESSES, LLC FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

	Cherokee Nation Businesses LLC (CNB)	Cherokee Technologies LLC (CT)	Cherokee Nation Enterprises LLC (CNE)	Combination/ Elimination	Total
Operating revenues:					
Charges for services and goods	\$ 2,800	\$ -	\$ 353,117	\$ (2,500)	\$ 353,417
Gain (loss) on investments in joint ventures	196	(984)			(788)
Total operating revenues	2,996	(984)	353,117	(2,500)	352,629
Operating expenses:					
Cost of sales/operations		-	84,320	-	84,320
Salaries and wages	3,027	-	101,015	-	104,042
Other services and charges	817	-	66,209	(2,500)	64,526
Depreciation and amortization	10	-	16,205	-	16,215
Total operating expenses	3,854	-	267,749	(2,500)	269,103
Operating income (loss)	(858)	(984)	85,368	-	83,526
Nonoperating revenues (expenses)					
Interest/investment income	260	298	2,332	(532)	2,358
Interest expense	(272)	(260)	(80)	532	(80)
Gain/(loss) on disposal of assets	-		(462)	-	(462)
Other, net	(7)			-	(7)
Net nonoperating revenues (expenses)	(19)	38	1,790	-	1,809
Net income (loss)	(877)	(946)	87,158	-	85,335
Dividends to primary government			(25,444)	-	(25,444)
Transfers to CNB	5,174		(5,174)		
Capital grants to primary government	-		(411)		(411)
Change in net assets	4,297	(946)	56,129		59,480
Net assets, beginning of year	(1,033)	(9)	151,900	-	150,858
Net assets (deficit), end of year	\$ 3,264	\$ (955)	\$ 208,029	\$ -	\$ 210,338

# BUDGETARY INFORMATION

# CHEROKEE NATION

## SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN FUND NET ASSETS - BUDGET AND ACTUAL (GAAP BASIS) - ENTERPRISE FUNDS FOR THE YEAR ENDED SEPTEMBER 30, 2006 (Dollars in Thousands)

	Budgeted Amounts		Actual	Variance with Final Budget over/(under)
	Original	Final		
Operating revenues:				
Property rentals	\$ -	\$ -	\$ 486	\$ 486
Charges for services and goods	2,561	2,415	1,222	(1,193)
Other	-	7	29	22
Total operating revenues	2,561	2,422	1,737	(685)
Operating expenses:				
Salaries and wages	1,959	957	626	(331)
Other services and charges	1,083	364	577	213
Materials and supplies	103	-	18	18
Depreciation and amortization	1,035	1,035	969	(66)
Total operating expenses	4,180	2,356	2,190	(166)
Operating income (loss)	(1,619)	66	(453)	(519)
Nonoperating revenues(expenses):				
Grant revenues	-	-	119	119
Interest income	-	94	334	240
Interest expense	-	(110)	(135)	(25)
Other sources	-	-	69	69
Gain/(loss) on sale of fixed assets	-	-	72	72
Net nonoperating revenue (expenses)	-	(16)	459	475
Income (loss) before transfers	(1,619)	50	6	(44)
Transfers in	1,370	11	91	80
Transfers out	-	(144)	(134)	(10)
Changes in net assets	(249)	(83)	(37)	46
Total net assets - beginning	5,191	5,191	5,191	-
Total net assets - ending	\$ 4,942	\$ 5,108	5,154	\$ 46
Adjustment to reflect the consolidation of Internal Service Funds activities related to Enterprise Funds			(81)	
Net assets of Enterprise Funds			\$ 5,073	

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# STATISTICAL SECTION

CHEROKEE NATION  
COMPREHENSIVE ANNUAL FINANCIAL REPORT

**The Statistical Section** provides financial statement users with additional detailed information as a context for understanding the information in the financial statements, notes to financial statements, and required supplementary information as it relates to the government's overall financial health.

- **Financial Trends** – Schedules which contain trend information to assist users in understanding how the government's financial position has changed over time.
- **Revenue Capacity** – Schedules which contain information relating to the government's most significant tax revenue sources.
- **Demographic and Economic Information** – Demographic and economic indicators to enable users to understand the environment in which the government operates.
- **Operating Information** – Schedules which contain service and program data to help users understand how the information contained in the government's financial report relates to the governmental activities performed.

Sources: Unless otherwise noted, the information in these schedules is derived from the Comprehensive Annual Financial Reports for the relevant year. The Nation implemented GASB 34 in 2002; schedules presenting government-wide information include information beginning in that year.

# CHEROKEE NATION

## SCHEDULE OF NET ASSETS BY COMPONENT LAST FIVE FISCAL YEARS (Dollars in Thousands)

	2002	2003	2004	2005	2006
<b>Governmental Activities</b>					
Invested in capital assets, net of related debt	\$ 26,714	\$ 25,655	\$ 29,403	\$ 35,969	\$ 47,627
Restricted	41,483	20,421	20,691	16,822	23,250
Unrestricted	1,133	53,444	65,566	66,627	69,039
<b>Total governmental activities net assets</b>	<b>69,330</b>	<b>99,520</b>	<b>115,660</b>	<b>119,418</b>	<b>139,916</b>
<b>Business-type activities</b>					
Invested in capital assets, net of related debt	3,460	4,839	4,388	5,519	4,653
Restricted	414	-	-	-	-
Unrestricted	361	(372)	(685)	(361)	420
<b>Total business-type activities net assets</b>	<b>4,235</b>	<b>4,467</b>	<b>3,703</b>	<b>5,158</b>	<b>5,073</b>
<b>Primary government</b>					
Invested in capital assets, net of related debt	30,174	30,494	33,791	41,488	52,280
Restricted	41,897	20,421	20,691	16,822	23,250
Unrestricted	1,494	53,072	64,881	66,266	69,459
<b>Total primary government net assets</b>	<b>\$ 73,565</b>	<b>\$ 103,987</b>	<b>\$ 119,363</b>	<b>\$ 124,576</b>	<b>\$ 144,989</b>

# CHEROKEE NATION

## CHANGES IN NET ASSETS LAST FIVE FISCAL YEARS (Dollars in Thousands) (accrual basis of accounting)

	2002	2003	2004	2005	2006
<b>Expenses</b>					
Governmental activities:					
Tribal Government	\$ 9,373	\$ 12,075	\$ 13,627	\$ 17,023	\$ 16,433
Health Services	62,235	67,356	74,995	79,344	87,061
Education Services	29,120	32,423	32,901	33,429	36,588
Human Services	25,203	24,671	24,160	24,824	27,307
Community Services	45,478	51,252	35,163	35,060	42,867
Other Tribal Services	5,431	8,750	11,193	10,623	12,712
Interest on long-term debt	235	689	970	1,651	1,975
Total governmental activities expenses	177,075	197,216	192,009	201,954	224,943
Business-type activities:					
Tsa-La-Gi Apartments	418	359	356	352	390
Cherokee Trails Golf Club	170	192	39	-	-
Landfill Operations	1,459	1,982	1,917	2,252	1,794
EDTA	-	-	-	127	182
Ranch Operations	169	52	6	-	-
Child Development	1,091	1,358	1,235	1,048	-
Other Enterprises	3	1	-	15	7
Total business-type activities expenses	3,310	3,944	3,553	3,794	2,373
Total primary government expenses	\$ 180,385	\$ 201,160	\$ 196,562	\$ 205,748	\$ 227,316
<b>Program Revenues</b>					
Governmental activities:					
Charges for services:					
Tribal Government	\$ -	\$ -	\$ -	\$ -	\$ 4
Other Tribal Services	451	405	1,237	2,001	2,572
Operating grants and contributions	103,642	113,394	100,209	104,278	108,177
Capital grants and contributions	-	-	-	-	411
Total governmental activities program revenues	104,093	113,799	101,446	106,279	111,164
Business-type activities:					
Charges for services:					
Tsa-La-Gi Apartments	392	384	437	475	492
Cherokee Trails Golf Club	84	70	6	-	-
Landfill Operations	2,327	2,109	1,355	1,937	1,216
EDTA	-	-	-	14	23
Ranch Operations	165	32	-	-	-
Child Development Centers	1,118	1,254	1,237	766	-
Other Enterprises	11	12	10	-	6
Operating grants and contributions	-	-	-	104	119
Total business-type activities program revenues	4,097	3,961	3,045	3,296	1,856
Total primary government program revenues	\$ 108,190	\$ 117,760	\$ 104,491	\$ 109,575	\$ 113,020
<b>Net (Expense)/Revenue</b>					
Governmental activities	\$ (72,982)	\$ (83,417)	\$ (91,563)	\$ (95,675)	\$ (113,779)
Business-type activities	787	17	(508)	(498)	(517)
Total primary government net expense	\$ (72,195)	\$ (83,400)	\$ (92,071)	\$ (96,173)	\$ (114,296)
<b>General Revenues and Other Changes in Net Assets</b>					
Governmental activities:					
Motor fuel tax	7,294	7,468	7,576	8,094	7,406
Motor vehicle tax	3,342	4,961	5,929	6,382	7,188
Tobacco tax	1,890	2,052	2,142	3,133	7,063
Gaming tax and licenses	480	611	262	-	-
Sales tax	75	310	249	686	1,144
Grants and contributions not restricted to specific programs	58,236	66,249	65,223	62,015	78,849
Unrestricted investment earnings	1,793	1,563	1,588	3,011	5,941
Indirect cost settlement	254	646	11,634	-	-
Dividends from component units	4,050	8,725	11,717	17,919	25,444
Arkansas River Drybed Lands Settlement	-	20,000	-	-	-
Miscellaneous revenue	634	1,144	1,232	898	1,199
Equity interest in joint venture	-	-	-	184	-
Gain/(loss) on disposals	-	-	1	-	-
Transfers	(1,589)	(122)	150	(2,889)	43
Total governmental activities	76,459	113,607	107,703	99,433	134,277
Business-type activities:					
Unrestricted investment earnings	6	61	19	52	334
Miscellaneous revenue	-	-	-	-	69
Gain/(loss) on disposals	-	32	(125)	-	72
Transfers	1,589	122	(150)	1,901	(43)
Total business-type activities	1,595	215	(256)	1,953	432
Total primary government	\$ 78,054	\$ 113,822	\$ 107,447	\$ 101,386	\$ 134,709
<b>Change in Net Assets</b>					
Governmental activities	\$ 3,477	\$ 30,190	\$ 16,140	\$ 3,758	\$ 20,498
Business-type activities	2,382	232	(764)	1,455	(85)
Total primary government	\$ 5,859	\$ 30,422	\$ 15,376	\$ 5,213	\$ 20,413



## CHEROKEE NATION

### GOVERNMENTAL ACTIVITIES - TAX REVENUES BY SOURCE

#### LAST FIVE FISCAL YEARS

(Dollars in Thousands)

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<u>Year</u>	<u>Motor Fuel Tax</u>	<u>Motor Vehicle Tax</u>	<u>Tobacco Tax</u>	<u>Sales Tax</u>	<u>Total</u>
2006	\$ 7,406	\$ 7,188	\$ 7,063	\$ 1,144	\$ 22,801
2005	8,094	6,382	3,133	686	18,295
2004	7,576	5,929	2,142	249	15,896
2003	7,468	4,961	2,052	310	14,791
2002	7,294	3,342	1,890	75	12,601

# CHEROKEE NATION

## FUND BALANCES, GOVERNMENTAL FUNDS LAST FIVE FISCAL YEARS (Dollars in Thousands)

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
General Fund					
Reserved	\$ 25,781	\$ 30,535	\$ 33,287	\$ 34,792	\$ 36,282
Unreserved	<u>1,501</u>	<u>4,638</u>	<u>10,726</u>	<u>24,175</u>	<u>36,576</u>
Total general fund	<u>\$ 27,282</u>	<u>\$ 35,173</u>	<u>\$ 44,013</u>	<u>\$ 58,967</u>	<u>\$ 72,858</u>
 All Other Governmental Funds					
Reserved	\$ 15,702	\$ 16,696	\$ 21,372	\$ 21,696	\$ 24,572
Unreserved, reported in:					
Special revenue funds	-	-	583	583	-
Capital projects fund	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(524)</u>
Total all other governmental funds	<u>\$ 15,702</u>	<u>\$ 16,696</u>	<u>\$ 21,955</u>	<u>\$ 22,279</u>	<u>\$ 24,048</u>

# CHEROKEE NATION

## CHANGES IN FUND BALANCES, GOVERNMENTAL FUNDS LAST FIVE FISCAL YEARS (Dollars in Thousands) (modified accrual basis of accounting)

	2002	2003	2004	2005	2006
<b>Revenues</b>					
Intergovernmental	\$ 151,117	\$ 167,594	\$ 150,516	\$ 147,048	\$ 166,252
Property rentals	451	394	585	461	513
Motor fuel tax revenues	7,294	7,468	7,576	8,676	7,406
Tax and license revenues	5,788	7,934	9,234	11,741	17,458
Interest	2,145	2,320	3,480	5,238	9,651
Trust fund income	29	24	90	79	104
Indirect cost settlement	254	-	646	8,314	2,201
Dividends from component units	4,050	8,725	11,717	17,919	25,444
Other	11,011	11,773	19,916	27,185	22,202
<b>Total revenues</b>	<b>182,139</b>	<b>206,232</b>	<b>203,760</b>	<b>226,661</b>	<b>251,231</b>
<b>Expenditures</b>					
Tribal Government	9,964	10,484	13,645	15,956	15,029
Health Services	62,822	66,732	73,248	77,829	84,528
Education Services	29,463	31,936	32,158	32,567	35,788
Human Services	25,269	24,363	23,748	24,516	26,839
Community Services	41,631	61,537	44,486	46,643	42,420
Other tribal services	5,309	8,472	9,658	10,834	11,789
Capital outlay	5,289	3,017	1,934	9,659	18,162
Debt service					
Principal	313	332	1,272	1,685	3,117
Interest	71	454	797	1,472	1,819
<b>Total expenditures</b>	<b>180,131</b>	<b>207,327</b>	<b>200,946</b>	<b>221,161</b>	<b>239,491</b>
<b>Excess of revenues over (under) expenditures</b>	<b>2,008</b>	<b>(1,095)</b>	<b>2,814</b>	<b>5,500</b>	<b>11,740</b>
<b>Other Financing Sources (Uses)</b>					
Issuance of long-term debt	-	10,245	10,189	13,231	4,260
Fees associated with debt issuance	-	-	-	-	128
Insurance recoveries	-	-	-	-	27
Other proceeds	-	-	976	-	-
Transfers in	3,703	1,867	2,163	5,900	17,425
Transfers out	(8,994)	(2,132)	(2,043)	(9,353)	(17,920)
<b>Total other financing sources (uses)</b>	<b>(5,291)</b>	<b>9,980</b>	<b>11,285</b>	<b>9,778</b>	<b>3,920</b>
<b>Net change in fund balances</b>	<b>\$ (3,283)</b>	<b>\$ 8,885</b>	<b>\$ 14,099</b>	<b>\$ 15,278</b>	<b>\$ 15,660</b>
<b>Debt service as a percentage of noncapital expenditures</b>	<b>0.22%</b>	<b>0.39%</b>	<b>1.05%</b>	<b>1.52%</b>	<b>2.28%</b>

## CHEROKEE NATION

### GOVERNMENTAL ACTIVITIES - MOTOR VEHICLE TAX RECEIPTS LAST FIVE FISCAL YEARS

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<u>Year</u>	<u>Motor Vehicle Registrations</u>	<u>Boat/ Motor Registrations</u>	<u>Total All Registrations</u>
2006	19,436	570	20,006
2005	17,803	587	18,390
2004	18,396	718	19,114
2003	18,099	671	18,770
2002	18,094	324	18,418

# CHEROKEE NATION

## GENERAL GOVERNMENTAL REVENUES BY SOURCE (GAAP BASIS) LAST TEN FISCAL YEARS (Dollars in Thousands)

Fiscal Year	Charges for Services	Operating		Capital		Motor Fuels Tax	Motor Vehicle Tax	Other Tax Revenues	Unrestricted		Investment Earnings	Dividends from Components		Indirect		Equity		Gain/(loss) on disposals	Total
		Grants & Contributions	Contributions	Grants & Contributions	Contributions				Grants & Contributions	Earnings		Components	Settlement	Miscellaneous	Interest in Joint Venture				
2006	\$ 4,313	\$ 108,296	\$ 411	\$ 7,406	\$ 7,188	\$ 8,207	\$ 78,849	\$ 6,275	\$ 25,444	\$ -	\$ 1,268	\$ -	\$ 72	\$ 247,729					
2005	5,193	104,382	-	8,094	6,382	3,819	62,015	3,063	17,919	-	898	184	-	211,949					
2004	4,282	100,209	-	7,576	5,929	2,653	65,223	1,607	11,717	11,634	1,108	-	-	211,938					
2003	4,366	113,394	-	7,468	4,961	2,973	66,249	1,624	8,725	646	1,144	-	-	211,550					
2002	4,548	103,642	-	7,294	3,342	2,445	58,236	1,799	4,050	254	634	-	-	186,244					
2001	4,289	120,105	-	6,895	-	2,062	-	3,282	4,300	4,377	5,081	-	-	150,391					
2000	4,125	91,174	-	7,118	-	1,940	-	2,611	4,100	-	4,929	-	-	115,997					
1999	4,681	86,360	-	6,932	-	1,772	-	1,818	2,410	-	4,468	-	-	108,441					
1998	4,928	84,722	-	6,230	-	1,598	-	1,202	1,865	-	7,306	-	-	107,851					
1997	4,683	82,597	-	5,084	-	1,662	-	1,049	2,800	-	3,544	-	-	101,419					

The Nation does not assess property taxes or receive property taxes assessed on its behalf by any other governmental unit. Consequently, many of the statistical schedules usually found in a comprehensive annual financial report are not applicable to the Nation.

2002 through 2006 revenues are not comparable to 2001 and prior years due to the adoption of GASB 34.

# CHEROKEE NATION

## GENERAL GOVERNMENTAL EXPENSES BY FUNCTION (GAAP BASIS) LAST TEN FISCAL YEARS (Dollars in Thousands)

Years	Tribal Government	Health Services	Education Services	Human Services	Community Services	Other Tribal Services	Interest on Long Term Debt	Tsa-La-Gi Apartments	Cherokee Trails Golf Club	Landfill Operations	Ranch Operations	EDTA	Childhood Development Center	Other Enterprises	Total
2006	\$ 16,433	\$ 87,061	\$ 36,588	\$ 27,307	\$ 42,867	\$ 12,712	\$ 1,975	\$ 390	\$ -	\$ 1,794	\$ -	\$ 182	\$ -	\$ 7	\$ 227,316
2005	17,023	79,344	33,429	24,824	35,060	10,623	1,651	352	-	2,252	-	1,115	1,048	15	206,736
2004	13,627	74,995	32,901	24,160	35,163	11,193	970	356	39	1,917	6	-	1,235	-	196,562
2003	12,075	67,356	32,423	24,671	51,252	8,750	689	359	192	1,982	52	-	1,358	1	201,160
2002	9,373	62,235	29,120	25,203	45,478	5,431	235	418	170	1,459	169	-	1,091	3	180,385
2001	15,960	45,889	8,131	25,001	-	53,134	299	407	153	795	199	-	884	2	150,854
2000	10,334	41,492	7,668	18,600	-	35,290	299	347	187	887	161	-	-	198	115,463
1999	9,147	38,207	8,367	17,154	-	35,433	339	358	204	1,029	157	-	-	262	110,657
1998	6,691	37,837	7,496	21,591	-	30,934	384	358	210	916	167	-	-	346	106,930
1997	8,603	31,263	7,798	18,524	-	30,615	401	358	107	910	180	-	-	315	99,074

2002 through 2006 expenses are not comparable to 2001 and prior years due to the adoption of GASB 34.

# CHEROKEE NATION

## POPULATION BY COUNTY

	Indian Population	Total Population	Percent of Total
Counties in Cherokee Nation:			
Adair	8,938	21,038	42%
Cherokee	13,787	42,521	32%
Craig	2,439	14,950	16%
Delaware	8,273	37,077	22%
Mayes	7,330	38,369	19%
Nowata	1,750	10,569	17%
Rogers	8,533	70,641	12%
Sequoyah	7,654	38,972	20%
Washington	4,214	48,996	9%
Counties Partially in Cherokee Nation:			
McIntosh	3,152	19,456	16%
Muskogee	10,331	69,451	15%
Ottawa	5,488	33,194	17%
Tulsa	29,316	563,299	5%
Wagoner	5,393	57,491	9%
Totals	116,598	1,066,024	11%

Source: U.S. Census Bureau: 2000

# CHEROKEE NATION

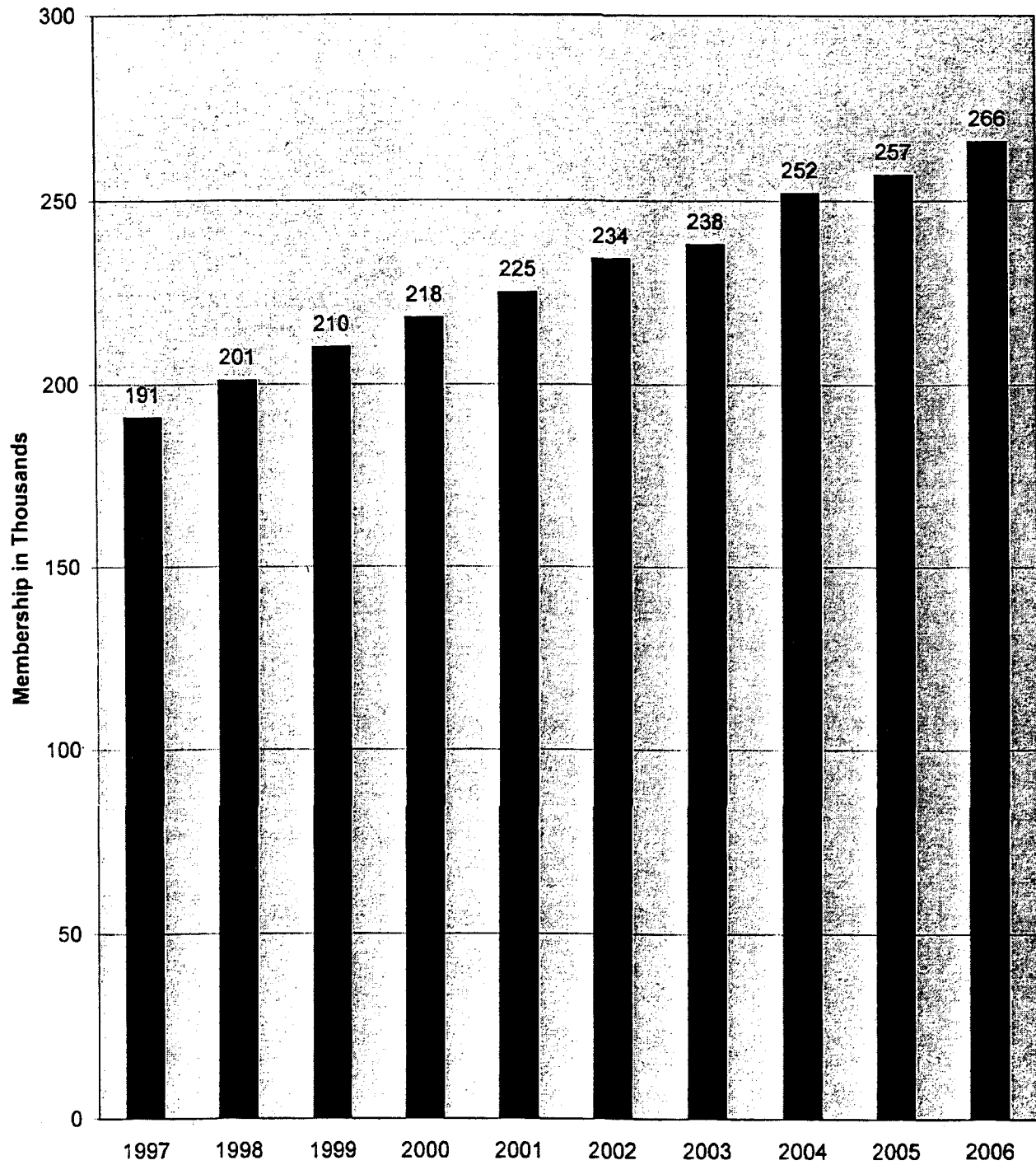
## TRIBAL LAND BASE (ACRES) BY COUNTY AS OF SEPTEMBER 30, 2006

County	Tribal Land	Government Land	Restricted Individual	Total Acres
<u>Cherokee Nation:</u>				
Oklahoma:				
Adair	13,070	19	10,411	23,500
Cherokee	1,202	324	9,439	10,965
Craig	273	-	1,843	2,116
Delaware	24,784	10	6,503	31,297
McIntosh	-	-	596	596
Mayes	357	10	5,364	5,731
Muskogee	95	-	2,342	2,437
Nowata	10	-	610	620
Ottawa	-	-	79	79
Rogers	16	-	801	817
Sequoyah	1,632	44	5,623	7,299
Tulsa	-	-	204	204
Wagoner	-	-	225	225
Washington	-	-	1,719	1,719
Arkansas Riverbed	14,715	-	-	14,715
<u>Counties Outside Territorial Boundaries:</u>				
Oklahoma:				
Kay	4,230	-	-	4,230
Atoka	10	-	-	10
Choctaw	40	-	-	40
Pittsburg	10	-	-	10
Stephens	80	-	-	80
Texas:				
Red River	629	-	-	629
Dallas	5	-	-	5
Total	61,158	407	45,759	107,324

Source: Cherokee Nation Land Department



**CHEROKEE NATION**  
**Tribal Membership Growth**



Source: Tribal Registration Department

## CHEROKEE NATION

### TRIBAL MEMBERSHIP BY DISTRICT

---

	<u>2006</u>
<b>District</b>	
Cherokee	16,116
Craig	6,868
Delaware	12,879
Keeler	13,158
Mayes	10,605
Sequoyah	12,591
Three Rivers	15,021
Trail of Tears	11,376
Will Rogers	10,666
Other	157,481
<b>Total Membership</b>	<u><u>266,761</u></u>

Source: Tribal Registration Department

## CHEROKEE NATION

### GOVERNMENT EMPLOYEES BY FUNCTION

Regular full-time employees only

---

	<u>2006</u>
<b>Function:</b>	
Tribal Government	232
Health Services	602
Education Services	397
Human Services	235
Community Services	137
Other Tribal Services	236
<b>Total</b>	<u><u>1,839</u></u>

Source: Financial Resources

# CHEROKEE NATION

## OPERATING INDICATORS BY FUNCTION LAST FOUR FISCAL YEARS (Dollars in Thousands)

Function/Program	2003	2004	2005	2006
<b>Health Services</b>				
Primary provider visits*	122,570	109,379	117,270	121,650
Dental patient visits	24,519	25,482	22,199	21,436
Behavioral health patient visits	8,424	10,148	9,895	9,969
Optometry patient visits	12,802	13,700	13,472	14,259
Pharmacy patient visits	54,585	61,225	69,151	70,937
Other visits**	56,451	72,775	77,307	80,133
Pharmacy prescription filled	386,420	410,909	461,409	474,299
Number of new charts	8,139	8,407	7,166	7,074
Total number of charts	130,049	139,066	149,861	159,128
*Primary provider visits include physician, physician's assistant, nurse practitioner				
** Other visits include: PHN, WIC, education, dietary, laboratory services				
<b>Education Services</b>				
Higher Education applications received	2,140	2,376	2,708	2,569
Higher Education applications funded	1,900	2,085	2,236	2,164
Head Start students	270	260	284	317
Immersion Class students	-	-	-	25
Sequoyah High School students	360	372	382	400
<b>Human Services</b>				
Child Care children served through subsidy	3,869	3,742	3,606	3,708
Child Care contracted providers	1,019	1,075	994	915
Child Care technical assistance calls and visits	5,803	3,083	1,397	1,358
Child Care monitoring visits to caregivers	1,145	1,092	1,122	1,236
Food Distribution - individuals served	140,150	139,588	131,970	111,139
Food Distribution - households served	51,327	52,768	50,892	44,863
Tribal Work Experience program participants	219	308	313	192
Elder Service Advocacy individuals served	1,170	1,236	1,192	1,353
<b>Community Services</b>				
Roads/bridges project miles completed	64.20	97.24	96.01	101.72
Families served through rental assistance	n/a	n/a	2,121	3,695
Families subsidized in Title VI units	n/a	n/a	317	345
Rehabilitation of privately owned homes	n/a	n/a	89	119
Acquired or constructed individual homes for low-income families	n/a	n/a	34	31
<b>Other Tribal Services</b>				
Businesses funded through Commerce programs	n/a	n/a	4	6
Participants enrollments in IDA/YIDA	n/a	n/a	30	28

Source: Departments/programs as listed

# CHEROKEE NATION

## CAPITAL ASSET UTILIZATION BY FUNCTION

### PRIMARY GOVERNMENT

### LAST FOUR FISCAL YEARS

(Net of Depreciation, Dollars in Thousands)

	2003	2004	2005	2006
<b>Governmental activities:</b>				
Tribal Government	\$ 2,232	\$ 3,068	\$ 2,520	\$ 2,969
Health Services	1,911	1,847	2,197	12,883 *
Education Services	619	578	1,098	8,246 *
Human Services	534	436	328	242
Community Services	834	842	1,035	1,384
Other Tribal Services	25,564	27,984	33,620	30,719
Governmental activities, net	<u>\$31,694</u>	<u>\$ 34,755</u>	<u>\$ 40,798</u>	<u>\$ 56,443</u>
<b>Business -type activities:</b>				
Enterprise Funds	\$ 6,314	\$ 5,605	\$ 6,851	\$ 6,761
Business-type activities, net	<u>\$ 6,314</u>	<u>\$ 5,605</u>	<u>\$ 6,851</u>	<u>\$ 6,761</u>

\*In FY 2006, Health Services and Education Services increased due to construction projects

# Exhibit 19

## Clinics and Hospitals

Bartlesville Health Clinic	Outpatient acute and chronic medical, excluding diabetes; pharmacy; behavioral health, and, coordinated contract care services through the Nowata clinic.	<div>Contents</div> <div>Career Services</div> <div>Community Services</div> <div>Commerce</div> <div>Education Services</div> <div>Health Services</div> <div>Human Services</div> <div>Registration</div> <div>Tag Office</div>
Claremore Indian Hospital	A 50-bed general medical and surgical facility, the hospital also offers optometry, dental, audiology, mental health, social services, nutrition and community health nursing services.	
Sam Hider Community Clinic	Outpatient medical. Public Health Nursing, Laboratory, Pharmacy, Dental, WIC, Radiology, Mammography, Community nutrition and Contract care.	
Muskogee Health Center	Outpatient medical; WIC, Laboratory, Pharmacy, Behavioral Health	
Nowata Primary Health Care Clinic	Outpatient medical; Public Health Nursing; Laboratory; Pharmacy; WIC; Community Health Representatives; and, Contract Care	
Salina: AMO Salina Community Health Center	Outpatient medical, Public Health Nursing, Laboratory, Pharmacy, Community Nutrition, Radiology, WIC, Optometry, Behavioral Health, Mammography and Contract Health.	
Sallisaw: Redbird Smith Health Center	Outpatient medical, Dental, Optometry, Radiology, Behavioral health, Public Health Nursing, Pharmacy, Laboratory, Community Nutrition and Contract Care.	
Stilwell: Wilma P. Mankiller Health Center	Outpatient medical (including pediatrics and internal medicine), Dental, Optometry, Physical Therapy, Pharmacy, Laboratory, Radiology, Nutritional Services, Mammography, Public Health Nursing, WIC, Contract Care, Behavioral Health and translation services in Cherokee. The clinic offers specialty clinics for diabetic and prenatal patients.	
Tahlequah: Hastings Indian Health Center	The hospital provides clinic service in general medicine, nursing, optometry, dental, audiology, behavioral health, nutrition and community health. Specialty clinics are also offered in OB-GYN, pediatrics, internal medicine and emergency medicine.	
Vinita Health Clinic	Outpatient acute and chronic medical, excluding diabetes; pharmacy; and, coordinated contract care services through the Nowata clinic.	

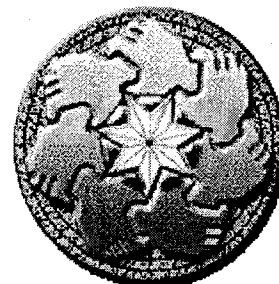
# Exhibit 20



## Community Services

### Mission Statement

The mission of the Community Services Division is to administer roads, water sanitation and other environmental programs while maintaining cultural sensitivity in services delivery and promoting pride and responsibility of individual tribal members.



### Cultural Renewal Program

The Cultural Renewal program was established in 2002 through the Housing Authority of the Cherokee Nation's drug elimination grant.

### Cherokee Nation Community Youth Grant Program

The Community Youth Grant Program is designed to assist Cherokee Nation Tribal Youth in accomplishing their goals. Cherokee Nation Tribal Youth raise funds throughout the year for several different types of activities. This program is to assist in their fund raising efforts. The program is administered through Cherokee FIRST. The monies will be allocated to correspond to the Cherokee Nation Districts. The grant awards will be made based on the following set of established criteria consistent with Cherokee Nation mission and guiding principles.

### Engineering and Sanitation Facilities Construction

The Cherokee Nation provides sanitation facilities for new, like new or existing homes. Services are available through the Sanitation Facilities program of the Cherokee Nation's Community Development Division

### Roads Program

The objectives of the projects are to supply direct routes to highways and towns. Also, to upgrade and provide safer roads and bridges for the total population of the project area.

### Office of Environmental Health

The Office of Environmental Health helps to ensure that tribal facilities are operated in a safe and sanitary manner and provides tribal members with services and information to lead environmentally healthy life-styles.

### COTTA

(Community Organization Training and Technical Assistance) The primary purpose of the Cherokee Nation COTTA Program is to help faith based and community based organizations increase their effectiveness, enhance the ability to provide social services to serve those most in need, enhance the organizational capacity of each organization, diversify funding sources, and create collaborations to better serve those in Cherokee Communities.

### Contents

[Career Services](#)

[Community Services](#)

[Commerce](#)

[Education Services](#)

[Health Services](#)

[Human Services](#)

[Registration](#)

[Tag Office](#)

# Exhibit 21

[Back](#)

## Roads Program

commdev@cherokee.org

Application  
Unavailable

The Roads Program is a diversified program encompassing the needs of the communities and sensitive to the needs of Native Americans. The operational capacity for the Roads Program includes the ability to conduct contracting, transportation planning, right-of-way negotiations, surveying, design, environmental clearances, and construction inspections, of which all meet or exceed Federal Specifications. Evaluations of the roads to be constructed are based on the percentage of Native American population and the changing needs of the community as a whole. The objectives of the projects are to supply direct routes to highways and towns and to upgrade and provide safer transportation for the total population of the project area. These road projects are federally funded by the Federal Highway Administration. Indian Reservation Road (IRR) Funding is channeled through the Bureau of Indian Affairs (BIA) for planning, engineering, and construction of IRR Roads. Though the BIA provides these services the Cherokee Nation Roads Program with its group of professionals are able to produce and monitor road projects from inception to construction completion. Motor Fuel Tax, Motor Vehicle Tax, and Special Bridge funds are set aside by the Cherokee Nation Tribal Council for road improvement projects which do not meet the standards for IRR funding.

The Roads Program incorporates the foremost level of technical operations prior to and during road construction. Right of way, environmental regulations and design characteristics are implemented in advance of any construction decisions. The Cherokee Nation Right of Way Specialist staff assesses the needs and provisions for each individual landowner and the community as a whole. An environmental assessment is performed for each project, including a complete survey on archaeological and cultural resources. Environmental concerns are addressed during the entire construction phase by the Cherokee Nation Road Project Inspectors. The development of road construction plans and specifications are produced by the CN Chief Designer and the Highway Design Specialists. Plans designed for the projects are constructed to fit the composition of the particular area in question, including all natural resources, hydrologic conditions, not to exclude economic and ecological factors. All Plans, Specifications and Estimates (PS&E) are designed according to Federal Highways Standards and are approved by a Professional Engineer, the Director of Roads, and the Cherokee Nation Principle Chief, with a copy to the BIA and Federal Highway Administration (FHWA).

Subsequent functions during the design phase of the road project involve surveying of the project area performed by the CN Roads Surveying crew. The CN Surveying crew implements the highest quality of surveying standards into each road project. During the construction phase, CN Road Project Inspectors monitor all construction aspects of the construction projects. The Project Inspectors provide the Tribe with exact measures of the performance of the construction crews.

### Current Roads projects include:

#### Adair County:

Honey Hill - Chewy North - Lyon Switch - Greasy Road - Malloy Hollow - Nicut North (Kirk Mtn.) - Dalonega South - Pumpkin Hollow - Smith Hollow - Nicut Road South

#### Cherokee County:

Red Barn - Tenkiller School - Hulbert-Lost City - Dry Creek Road - Rice/Woodard - Cookson Road - NE Ft. Gibson - Dreadfulwater Road - Barber Road - Pumpkin Hollow

#### Delaware County:

Daytown/Dry Creek - Twin Oaks/Bull Hollow - Kenwood Road - Salina/Kenwood - Kansas/Dry Creek

#### Mayes County:

Cedar Crest Road & Bridge - Salina/Kenwood

#### Muskogee County:

Northeast Fort Gibson

#### Sequoyah County:

Nicut Road South

# Exhibit 22

## Education

The mission of the Cherokee Nation Education Division is to develop and support comprehensive social, educational and employment programs for Cherokee People. these programs will provide educational and employment opportunities that prepare tribal members for a full active life as tribal citizens as well as citizens of the United States.

Cherokee Nation Education Corporation	<p>The Cherokee Nation Education Corporation (CNEC) is a non-profit corporation, chartered under tribal code of the Cherokee Nation. Its mission is to provide educational assistance to Cherokee tribal members and to revitalize the language, history and culture of Cherokee people. The US Internal Revenue Service recognizes CNEC as a 501c3 corporation making contributions tax-deductible for the year in which they are made.</p> <p>The Corporation primarily supports the revitalization of its culture through the Cherokee language which is the highest priority of the tribe. Following are examples of CNEC's work in Cherokee Nation.</p>	<p>Contents</p> <p><a href="#">Career Services</a></p> <p><a href="#">Community Services</a></p> <p><a href="#">Commerce</a></p> <p><a href="#">Education Services</a></p> <p><a href="#">Health Services</a></p> <p><a href="#">Human Services</a></p> <p><a href="#">Registration</a></p> <p><a href="#">Tag Office</a></p>
<a href="#">Early Childhood Unit</a>	Head Start serves children ages 3-5	
<a href="#">Early Childhood Unit - History and Eligibility</a>	Head start was originally launched in the summer of 1965 as an eight-week pilot program.	
<a href="#">2008-2009 Cherokee Nation Graduate Scholarship Guidelines</a>	<p>The purpose of the Cherokee Nation Higher Education Program includes accomplishing three desired outcomes: 1) strengthen the sovereignty of the Cherokee Nation; 2) increase the capacity of its citizens; and 3) promote the language and culture of the Cherokee Nation. The scholarship selection process is designed to achieve these outcomes. Future scholarship applications may provide a preference for students who have demonstrated accomplishments relating to the desired outcomes.</p>	
<a href="#">Higher Education</a>	Information for those that want information about undergraduate and graduate scholarships.	
<a href="#">Co-Partner Programs, Johnson-O'Malley Program (JOM)</a>	Administers programs for Indian students from age three (3) through grade 12 who are ¼ or more degree Indian or a member of a federally recognized tribe.	
<a href="#">History/Program - Co-Partner Programs, Johnson-O'Malley Program</a>	The Johnson - O'Malley Act was introduced in the senate as U.S. Senate Bill 2571 by Senator Hiram W. Johnson of California on February 2, 1934.	
<a href="#">Learn and Serve</a>	Learn and Serve America is a program of the federally funded Corporation for National and Community Service.	
<a href="#">History and Overview of the Learn and Serve Program</a>	In 1990 Congress passed the National and Community Service Act which created the Commission on National and Community Service.	
<a href="#">Tag Revenue To Help Fund Public Schools</a>	Estimates of Tag revenues and how it could help funding in our public schools.	
<a href="#">Tribal Youth Council - Youth Activities</a>	The Cherokee Nation Tribal Council passed Resolution #80-89 on Oct. 14, 1989, recognizing the	

	youth council as a functional part of the Cherokee Nation.
<a href="#">Tribal Youth Council - Youth Activities - History</a>	The Youth Activities Unit was extracted from the Co-Partner (Johnson-O'Malley) Programs for two reasons:
<a href="#">Sequoyah High School</a>	Sequoyah High School's approximate 300 enrollment represents 42 tribes and 14 different states. Students are eligible to attend if they are members of federally recognized Indian tribes OR one-fourth blood descendants of such members.
<a href="#">2008-2009 Cherokee Nation Undergraduate Scholarship Guidelines</a>	The Cherokee Nation's Higher Education Office awards scholarships to selected Cherokee Nation Tribal Members pursuing degrees at a college or university accredited with Carnegie units.
<a href="#">Cherokee Nation Higher Education Scholarship Programs</a>	Information for those that want information on the Cherokee Nation Scholarship Programs.
<a href="#">Cultural Day Camp</a>	The Cultural Day Camp is for students coming out of Kindergarten through 4th grades. Learn about Cherokee Language History, Art, Music, Traditional games, crafts.
<a href="#">Emergency Application And Information</a>	It shall be the policy of the Cherokee Nation to provide emergency assistance to eligible Cherokee citizens.
<a href="#">College and University Information</a>	
<a href="#">CNEC Scholarship - John Shurr Journalism Award</a>	

# Exhibit 23

## Cherokee Nation Cultural site

Information provided in the following Culture pages are provided mainly in part by the Cultural Resources Center of the Cherokee Nation. For further info on subject matter please contact [cultural@cherokee.org](mailto:cultural@cherokee.org). please note that Cultural information may vary from clan to clan, location to location, family to family, and from differing opinions and experiences. Information provided here are not 'etched in stone'.

**Cherokee Culture-** Here you will find all sorts of information from recipes to ceremonies to arts and general information. This is where curiosity begins so check it out.

- **Cookbook**
- **Cherokee Arts**
- **General Cultural Information**

**Cherokee History-** This is where you will find information on the history of the Cherokee Nation and of the Cherokee People. Here we have historical facts, biographies, information on chiefs, historical event and sites as well as historical information during the Trail of Tears era. This is where you can look when doing more extensive research.

- **Historical Facts**
- **Biographies**
- **Chiefs**
- **Historical Events**
- **Historical Sites**
- **Trail Of Tears Era**

**Cherokee Language-** Want to learn the Cherokee Language? This is a great place to start and get your feet wet. There are many lessons and examples to learn from as well as sound recording.

**Dikaneisdi (Word List)-** We have over 7,000 words to search from in this translation reference. Type in an English word and get the Cherokee translation. Listed to the word while you read it in the Cherokee syllabary. This is a great reference for learning the Cherokee Language.

**Downloads-** Check out some of our downloads. This is where you can find the Cherokee Font, music MP3's in the Cherokee Language and even a screen saver or two.

**Kids Corner -** This area will help you to answer many of those general questions that you may have. A great resource for school reports or general knowledge.

- **Frequently Asked Questions**
- **Games**
- **Traditional Stories**

**Literature -** Every culture has stories and myths of the past. Here you can read a few from the Cherokee perspective in our collection of traditional stories. You will also find a bibliography of published works on the Cherokee people.

- **Bibliographies**
- **Cherokee Messenger**
- **Traditional Stories**

**Radio Show -** Cherokee Nation radio show includes music in the Cherokee language, interviews with Cherokee elders and information on programs that the Cherokee Nation has to offer, as well as the latest Cherokee Nation community news.



This area is an ongoing project. We will add information on a continual basis so please check back regularly for updates.

# Exhibit 24

U. S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

PAPER NO.

SERIAL NO.

75/506359 McClure, Tony A.

APPLICANT

*Temp.*

ADDRESS:

Assistant Commissioner of Trademarks  
900 Crystal Drive  
Arlington, Va. 22202-3513

MARK

CHEROKEE PROUD

ADDRESS

RUSSELL H WALKER  
WALKER MCKENZIE & WALKER PC  
6363 POPLAR AVE STE 434  
MEMPHIS TN 38119-4896

ACTION NO.

01

MAILING DATE

02/11/99

REF. NO.

98,057

no fees are enclosed, the address should  
include the words "BOX RESPONSES-NO FEE."

please provide in all correspondence:

Filing date, serial number, mark, and  
applicant's name.

Mailing date of this Office action.

Your telephone number and ZIP code.

Examining attorney's name and law office  
number.

FORM PTO-1525 (5-90)

U.S. DEPT. OF COMM. PAT. & TM OFFICE

***A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.***

For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

75-506359

The assigned examining attorney has reviewed the referenced application and determined the following.

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), the examining attorney encloses information regarding pending Application Serial No. 75-201296. 37 C.F.R. Section 2.83.

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application precedes the applicant's filing date. If the earlier-filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

**I. Refusal to Register -- False Association**

The examining attorney refuses registration because the mark consists of or comprises matter which may falsely suggest a connection with the CHEROKEE Indians. Trademark Act Section 2(a), 15 U.S.C. Section 1052(a); TMEP sections 1203.03, 1203.03(e) and 1203.03(f). See

generally *University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *University of Alabama v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The applicant's goods are books about the Cherokee Indians. Use of the mark CHEROKEE PROUD on the applicant's goods may indicate to consumers that the goods are made by the Cherokee Indians. Therefore, a false association exists and registration is refused. If the goods are *not* provided by the Cherokees, the applicant's mark falsely suggests an association with the Cherokee Indians and again, registration is refused.

## II. Sections 1 and 45--Unlawful Use

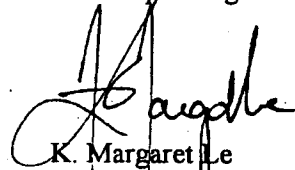
Under the Indian Arts & Crafts Act, 18 U.S.C. Section 1159(a), "[i]t is unlawful to offer or display for sale or sell any goods, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States." The applicant intends to sell the books under the mark CHEROKEE PROUD. The mark may indicate to consumers that the applicant's goods are produced by Cherokee Indians. If the goods are *not* produced by the Cherokees, use of this mark would be a per se violation of the Indian Arts & Crafts Act, and registration would be refused.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

(A) The applicant must indicate whether it has any affiliation with Cherokee Indians.

(B) The applicant must disclaim the descriptive wording "CHEROKEE" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.02(a). The wording is merely descriptive because it is the subject matter of the books. Please be advised that the disclaimer will not obviate the refusals stated above.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.



K. Margaret Le  
Trademark Attorney  
Law Office 103  
(703) 308-9103 ext. 205

[Typed Drawing]

Mark

CHEROKEE

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: cosmetics, namely, beauty cream, cold cream, vanishing cream, rouges, eyebrow pencils, mascara, blushes and nail polish, suntan lotion; skincare products, namely, non-medicated skin and haircare preparations

IC 016. US 002 005 022 023 029 037 038 050. G & S: paper and paper articles, cardboard and cardboard articles, printed matter, newspaper and periodicals, books, photographs, stationery

IC 028. US 022 023 038 050. G & S: toys, namely, dolls, doll clothing, doll related items, namely, doll cases, doll house furnishings and doll playsets, stuffed animals, animal figures, balloons, sports balls, playground balls and rubber action balls, play baking ovens, bath toys, play beads, bubble blowers, namely, bubble making wand and solution sets, baby care sets, children's multiple activity toys and outdoor activity games in the nature of toys for sandbox play, ball and bat games, water squirting toys, flying discs, play-ground equipment, namely, climbing units, snad boxes and swing sets, butterfly nets, toy building blocks, blocks with cases sold as units per play, Christmas stocking, Christmas tree mats, Christmas tree decorations, toy carpet sweepers, play cash registers, toy cameras, play darts, toy pegboards, children's play costume jewelry, toy drums, twirling batons. games, namely, board games, toy ironing boards, toy irons, ice skates, roller skates, jigsaw puzzles, jewelry boxes for play, costume jewelry, jumpropes, pop-up toys, playsets for a play circus, kites, marbles, marble bags, toy clocks, toy watches, toy hoops, toy figurines, toy radios, music box toys in different shapes, puppets for play, squeeze toys, toy musical instruments, toy guns, poseable toy figures for play, toy badges, plastic eggs for play, toy flashlights, manipulative puzzles, play money, play money, play coin banks, miniature play figures, play lap desk, magnetic manipulative puzzles and clocks, punching toys, pogo sticks for play, toy playhouses for children to play in and playhouse accessories, namely, toy furniture for play, toy stick horses, toy pinwheels, pool toys, play putty, play tents, play slingshots, push toys, toy purses, play coinpurses, yoyos for play, play vanities with mirrors, toy spinning tops, toy talking telephones, wind-up toys, play sewing machines and accessories, namely, play sewing containers for holding, sewing machines for play, train sets, baby and preschool multiple activity toys, toys in the nature of blocks and puzzles to take apart and put back together, printing toys, toy whistles, toy vehicles, play sets featuring shrinkable toy figures, play ride-on toys, play mats, toy cars, namely, toys that move by producing friction, such as small toy cars, electric action toys, inflatable bath toys, inflatable ride-on toys, inflatable swimming pool toys and floats, inflatable ride-on toys, toy canteens, toy lunchpail sets, mechanical action toys, gumball machine toys, toy playcases and holders. play masks, play targets, play hats, insect holders for play, clip-on figures and toys, toy chalkboards, toy playsets, namely alphabet sets, baking sets, dish sets, tea and beverage sets, play bead craft sets, housecleaning sets, dress-up sets, dishwashing sets, make-up sets, personal care playsets, trays and color playseets, play manicure sets, mirror sets, play laundry sets, barber sets, hairdressing sets, doctor and nurses sets, sewing cart sets, playsets that create a design, play craft sets, toy playsets in the nature of rubber stamp sets, play kitchen unit sers, cooking and utensil sets, construction toys and sets, play animal sets,

stain glass sets for children, camping sets, tool sets, farm sets, pail and shovel sets, gargen growing sets for play, garden tools for play, insect and bug growing sets for play, ball and jack sets, slate sets, paddle sets, play store and building sets, play food sets, crayon-holder set, ring toss toys

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75201296

Filing Date

19961118

Filed ITU

FILED AS ITU

Owner Name and Address

(APPLICANT) Cherokee Inc. CORPORATION DELAWARE 6835 Valjean Avenue Van Nuys CALIFORNIA 91406

Assignment Recorded

ASSIGNMENT RECORDED

Prior Registration(s)

1270846;1582609;1644461

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

# Exhibit 25

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**To:** James A. Frost DBA Frost Cutlery ([trademarks@blankrome.com](mailto:trademarks@blankrome.com))  
**Subject:** TRADEMARK APPLICATION NO. 77122071 - CHEROKEE STONEWORKS - 115042.00225  
**Sent:** 6/4/2007 1:06:16 PM  
**Sent As:** ECOM105@USPTO.GOV  
**Attachments:** Attachment - 1  
Attachment - 2  
Attachment - 3  
Attachment - 4  
Attachment - 5  
Attachment - 6  
Attachment - 7  
Attachment - 8

---

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/122071

**APPLICANT:** James A. Frost DBA Frost Cutlery

**\*77122071\***

**CORRESPONDENT ADDRESS:**

SUSAN B. FLOHR  
BLANK ROME LLP  
600 NEW HAMPSHIRE AVE NW  
WASHINGTON, DC 20037-2403

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** CHEROKEE STONEWORKS

**CORRESPONDENT'S REFERENCE/DOCKET NO:** 115042.00225

**CORRESPONDENT EMAIL ADDRESS:**

[trademarks@blankrome.com](mailto:trademarks@blankrome.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.



**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/122071

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

**Section 2(d) - Likelihood of Confusion Refusal**

Registration of the proposed mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 1663757. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registration.

Taking into account the relevant *Du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

First, when applicant's mark is compared to a registered mark, "the points of similarity are of greater importance than the points of difference." *Esso Standard Oil Co. v. Sun Oil Co.*, 229 F.2d 37, 40, 108 USPQ 161 (D.C. Cir. 1956) (internal citation omitted). Marks may be confusingly similar in appearance where there are similar terms or phrases or similar parts of terms or phrases appearing in both applicant's and registrant's mark. See e.g., *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689 (TTAB 1986), *aff'd* 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMASH and COMMUNICASH); *In re Phillips-Van Heusen Corp.*, 228 USPQ 949 (TTAB 1986) (21 CLUB and "21" CLUB (stylized)); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re Collegian Sportswear Inc.*, 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); *In re Pellerin Milnor Corp.*, 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); *In re BASF A.G.*, 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §§1207.01(b)(ii) and (b)(iii).

Applicant's mark CHEROKEE STONEWORKS is nearly identical to the registered mark CHEROKEE (+ design). The marks share the same dominant feature, namely the word CHEROKEE. As a general rule, consumers are more inclined to focus on the first word, prefix or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); see also *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions).

Applicant's addition of the descriptive word STONEWORKS does not significantly change the overall commercial impression of the mark. The mere addition of a term to a registered mark does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Section 2(d). *In re Chatam International Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) ("GASPAR'S ALE and "JOSE GASPAR GOLD"); *Coca-Cola Bottling Co. v. Joseph E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) ("BENGAL" and "BENGAL LANCER"); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) ("THE LILLY" and "LILLI ANN"); *In re El Torito Rests. Inc.*, 9 USPQ2d 2002 (TTAB 1988) ("MACHO" and "MACHO COMBOS"); *In re United States Shoe*

*Corp.*, 229 USPQ 707 (TTAB 1985) (“CAREER IMAGE” and “CREST CAREER IMAGES”); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (“CONFIRM” and “CONFIRMCELLS”); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (“ACCUTUNE” and “RICHARD PETTY’S ACCU TUNE”); *In re Cosvetic Laboratories, Inc.*, 202 USPQ 842 (TTAB 1979) (“HEAD START” and “HEAD START COSVETIC”); TMEP §1207.01(b)(iii).

Second, if the goods or services of the respective parties are closely related, the degree of similarity between marks required to support a finding of likelihood of confusion is not as great as would apply with diverse goods or services. *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 877, 23 USPQ2d 1698, 1701 (Fed. Cir. 1992), *cert. denied* 506 U.S. 1034 (1992); *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1987); *ECI Division of E-Systems, Inc. v. Environmental Communications Inc.*, 207 USPQ 443 (TTAB 1980); TMEP §1207.01(b).

Applicant’s goods are “cutlery, namely collector’s knives.” The registrant’s goods are “cutlery; namely, pocket, boot and hunting knives.” The goods are highly related because they both include knives.

Applicant’s use of a mark with the same overall commercial impression as the registered mark on closely related to identical goods is likely to cause confusion as to the source of the goods. Accordingly, registration of the proposed mark is refused due to a likelihood of confusion with the registered mark cited above.

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Applicant should note the following additional ground for refusal.

#### **False Association Refusal**

Registration is refused because the proposed mark consists of or comprises matter which may falsely suggest a connection with the Eastern Band of the Cherokee. Although not connected with the goods or services applicant provides under the proposed mark, the Cherokee are so famous that consumers would presume a connection. Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §§1203.03, 1203.03(e) and 1203.03(f); *See generally University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *In re Nuclear Research Corp.*, 16 USPQ2d 1316 (TTAB 1990); *University of Alabama v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi-Chi’s, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Section 2(a):

- # the mark sought to be registered is the same as or a close approximation of the name or identity of a person or institution;
- # the mark would be recognized as such;
- # the person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- # the fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant’s mark is used on its goods or services.

*In re Nuclear Research Corp.*, 16 USPQ2d 1316 (TTAB 1990); *In re Cotter & Co.*, 228 USPQ 202, 204 (TTAB 1985); *Buffett v. Chi#Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985).

Applicant's mark CHEROKEE STONEWORKS has the name of the American Indian tribe, Cherokee, as the dominant feature of the mark. The word Cherokee is commonly recognized to refer to the American Indian tribe. See that attached Internet evidence.

If applicant's goods or services are of a type that the named person or institution sells or uses, and the named party is sufficiently famous, then it may be inferred that purchasers of the goods or services would be misled into making a false connection of sponsorship, approval, support or the like with the named party. *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *In re National Intelligence Academy*, 190 USPQ 570 (TTAB 1976).

The attached evidence shows that the Eastern Band of the Cherokee sells weapons, including tomahawks and flint-tipped spears. Applicant's knives fall into the category of weapons and it is likely that purchasers would infer that applicant's products are made by members of the Cherokee tribe.

Accordingly, registration of the proposed mark is refused because the mark suggests a false connection with a federally recognized Indian tribe,

### **Disclaimers**

The Office can require an applicant to disclaim exclusive rights to an unregistrable part of a mark, rather than refuse registration of the entire mark. Trademark Act Section 6(a), 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), 15 U.S.C. §1052(e), the Office can refuse registration of the entire mark where it is determined that the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. Thus, the Office may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). TMEP §1213.03(a). If an applicant does not comply with a disclaimer requirement, the Office may refuse registration of the entire mark. TMEP §1213.01(b).

A "disclaimer" is thus a written statement that an applicant adds to the application record that states that applicant does not have exclusive rights, separate and apart from the entire mark, to particular wording and/or to a design aspect. The appearance of the applied-for mark does not change.

Applicant must disclaim the descriptive wording "STONEWORKS" apart from the mark as shown because it merely describes the material composition of applicant's goods. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). The attached dictionary definitions shows that the wording STONEWORKS means that the goods are made of stone. This wording is descriptive of either the knife handles, or the knives themselves, and must be disclaimed.

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use "STONEWORKS" apart from the mark as shown.

*See In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Pamela N Hirschman/

Trademark Examining Attorney

Law Office 105

571-272-8272 (phone)

571-273-8272 (fax)

pamela.hirschman@uspto.gov

**NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS:** In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

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- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED**

**RESPONSE.**

- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name.  
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**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

Print: Jun 4, 2007

74028580

**DESIGN MARK**

**Serial Number**  
74028580

**Status**  
REGISTERED AND RENEWED

**Word Mark**  
CHEROKEE

**Standard Character Mark**  
No

**Registration Number**  
1663757

**Date Registered**  
1991/11/05

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
TAYLOR BRANDS LLC LTD LIAB CO TENNESSEE 1043 FORDTOWN ROAD KINGSPO  
TENNESSEE 37663

**Goods/Services**  
Class Status -- ACTIVE. IC 008. US 023. G & S: cutlery; namely,  
pocket, boot and hunting knives. First Use: 1990/02/20. First Use In  
Commerce: 1990/07/02.


**Filing Date**  
1990/02/13

**Examining Attorney**  
SHARPER, SAMUEL E.

**Attorney of Record**  
Robert O. Fox

**CHEROKEE**






# CHEROKEE


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for protecting themselves from surrounding tribes and, later, from the white man. Thus, they became expert weapon-makers. Arrows crafted from heads of flint, and eagle feathers were secured to cane shafts and shot by bows made of sycamore and hickory. These bows were carefully shaped with bear oil and seasoned by fire. Buffalo hide breast plates, shields, helmets and quivers adorned the Cherokee warriors while they wielded their stone tomahawks and flint-tipped spears. For small game hunting, the Cherokee have earned a reputation for making superior blowguns, characterized by their outstanding workmanship and accuracy. Through these rivercane tubes, the hunters would blow darts made of locust and feathered with thistle down to kill small game and birds, even at great distances.

<a href="#">Stone</a>	<a href="#">Earthenware</a>	<a href="#">Baskets</a>	<a href="#">Weapons</a>
<a href="#">Pipes</a>	<a href="#">Sculpture</a>	<a href="#">Beadwork</a>	<a href="#">Fine Art</a>

Qualla Arts & Crafts Mutual, Inc. • P.O. Box 316 • Cherokee, North Carolina 28718 • 1-828-437-3103

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## Cherokee

**SYLLABICATION:** Cher-o-kee

**PRONUNCIATION:** chér'ò-kē', chér'ò-kē'

**NOUN:** Inflected forms: pl. Cherokee or Cher-o-kees

1a. A Native American people formerly inhabiting the southern Appalachian Mountains from the western Carolinas and eastern Tennessee to northern

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mountains from the western Carolinas and eastern Tennessee to northern Georgia, with present-day populations in northeast Oklahoma and western North Carolina. The Cherokee were removed to Indian Territory in the 1830s after conflict with American settlers over rights to traditional lands. b. A member of this people. 2. The Iroquoian language of the Cherokee.

ETYMOLOGY: From Cherokee *tsalaki*.

OTHER FORMS: **Cher'o-kee'** —ADJECTIVE

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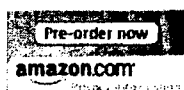
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**stone - work** ⓘ [stohn-wurk] [Pronunciation Key](#) - [Show IPA Pronunciation](#)  
-noun

1. any construction, as walls or the like, of stone; stone masonry.
2. the techniques, processes, work, or art of dressing, setting, or designing in stone.
3. Usually, **stoneworks**. (*usually used with a singular verb*) a place where stone is dressed, as for building.

[Origin: bef. 1000; ME *stoonwerk*, OE *stānweorc*. See **STONE**, **WORK**]

—Related forms

**stoneworker**, noun

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collar

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**stone·work** ⓘ ⓘ (stŏn'wŭrk') Pronunciation Key

n.

1. The technique or process of working in stone.
2. Work made of stone; stonemasonry.

**stone'work'er** n.

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WordNet - Cite This Source

**stonework**

noun

masonry done with stone

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Kernerman English Multilingual Dictionary (Beta Version) - Cite This Source

**'stonework** noun

construction done in stone, especially the stone parts of a building

Arabic: منشي خجري

Chinese (Simplified): 石造工程

Chinese (Traditional): 石造工程

Czech: kamenné zdivo

Danish: murerarbejde

Dutch: steenwerk

Estonian: kivimüüritis

Finnish: kivityö

French: maçonnerie

German: die Steinarbeit

Greek: λιθοδομή

Hungarian: kőfaragás

Icelandic: vinna við steinsmiði

Indonesian: pertukangan batu

Italian: (muratura in pietra)

Japanese: 石造物

Korean: 석조물, 돌 세공

Latvian: akmens

būvniecība; mūris;

(celtnes) akmens

dāļas

Lithuanian: akmens darbai

Norwegian: murverk,  
steinkonstruksjon

Polish: kamieniarka

Portuguese (Brazil): obra de cantaria

Portuguese (Portugal): cantaria

Romanian: zidărie

Russian: каменная кладка

Slovak: kamenné murivo

Slovenian: zidarsko delo



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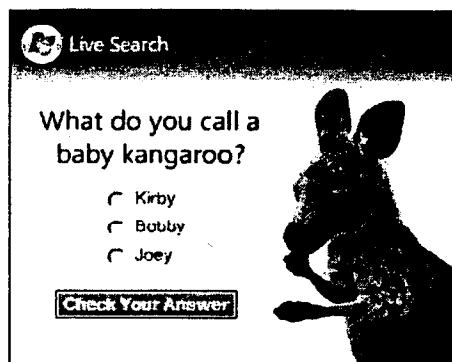
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*Slovenian:* zidarsko delo  
*Spanish:* cantería  
*Swedish:* murverk,  
stenhuggeriarbete  
*Turkish:* taş işleme

See also: a stone's throw, stoneware, stony, stone-cold, stone-dead, stone-deaf, leave no stone unturned, stone

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# Exhibit 26

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 76/683830

**MARK:** CHEROKEE CHARCOAL

**\*76683830\***

**CORRESPONDENT ADDRESS:**

PAUL M. DENK  
763 S NEW BALLAS RD STE 170  
SAINT LOUIS, MO 63141-8711

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Boghosian, Paul

**CORRESPONDENT'S REFERENCE/DOCKET  
NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE:**

**THIS IS A FINAL ACTION.**

This letter responds to the applicant's communication filed on March 13, 2008.

The substitute drawing is acceptable and made of record.

The disclaimer of CHARCOAL apart from the mark as shown is acceptable and made of record.

The statement that applicant has no connection with the Cherokee Nation is of record.

**ENTITY**

Applicant has stated that it is an individual. The requirement that applicant identify its country of citizenship is CONTINUED and made FINAL.

If applicant is an individual and the owner of the mark, applicant may simply request that the entity be amended to "individual" and indicate his/her country of citizenship for the record. 15 U.S.C. §1051(a)(2); 37 C.F.R. §2.32(a)(3)(i); TMEP §§803.02(a) and 1201.02(c).

### **REFUSAL UNDER SECTION 2(a)**

The refusal under Section 2(a) because the proposed mark consists of or comprises matter which may falsely suggest a connection with the Cherokee Nation is CONTINUED and made FINAL. Although not connected with the goods or services applicant provides under the proposed mark, the Cherokee Nation is so famous that consumers would presume a connection. Trademark Act Section 2(a), 15 U.S.C. §1052(a); TMEP §§1203.03, 1203.03(e) and 1203.03(f); *See generally University of Notre Dame du Lac v. J.C. Gourmet Food Imports Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *In re Nuclear Research Corp.*, 16 USPQ2d 1316 (TTAB 1990); *University of Alabama v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Section 2(a):

- # the mark sought to be registered is the same as or a close approximation of the name or identity of a person or institution;
- # the mark would be recognized as such;
- # the person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- # the fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods or services.

*In re Nuclear Research Corp.*, 16 USPQ2d 1316 (TTAB 1990); *In re Cotter & Co.*, 228 USPQ 202, 204 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985).

Cherokee identifies a Native American people currently residing in Oklahoma and North Carolina and the mark would be recognized as such. The fact that the mark incorporates a depiction of a Native American only underscores the impression that the term is used to suggest and/or identify the Cherokee Nation.

Applicant has stated that it does not have any connection to the Cherokee Nation.

The Cherokee National enterprises generate millions of dollars in revenue. Moreover, as was noted earlier, a twenty acre parcel within the 1050 acre Cherokee Nation Ranch in Delaware County has 12 kilns for charcoal production. See *Tiller's Guide To Indian Country* (2005), page 811. Its entrepreneurial success along with its place in American history as one of the prominent Native American populations makes its fame of such a nature that a connection with the Cherokee would be presumed when applicant's mark is used on charcoal. Since applicant's goods are of a type that the Cherokee sells, and the Cherokee Nation is sufficiently famous, it may be inferred that purchasers of the goods would be misled into making a false connection of sponsorship, approval, support or the like with the Cherokee. *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *In re National Intelligence Academy*, 190 USPQ 570 (TTAB 1976).

### **OPTIONS**

Applicant may respond to this final action by either: (1) submitting a timely response that fully satisfies any outstanding requirements, if feasible; (2) timely filing an appeal of this final action to the Trademark Trial and Appeal Board; or (3) timely filing a petition to the Director if permitted by 37 C.F.R. §2.63(b). 37 C.F.R. §2.64(a); TMEP §715.01. Regarding petitions to the Director, See 37 C.F.R. §2.146 and TMEP Chapter 1700.



/Kathleen M. Vanston/

Examining Attorney

Law Office 107

(571) 272-9235

**RESPOND TO THIS ACTION:** If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

# Exhibit 27

**To:** Spell C. LLC ([trademarkdocket@jmbm.com](mailto:trademarkdocket@jmbm.com))

**Subject:** TRADEMARK APPLICATION NO. 77556232 - CHEROKEE MY DOLL - 57240-0777

**Sent:** 12/10/2008 7:45:59 AM

**Sent As:** ECOM107@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
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[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
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[Attachment - 32](#)  
[Attachment - 33](#)

Attachment - 34

Attachment - 35

Attachment - 36

## UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 77/556232

**MARK:** CHEROKEE MY DOLL

**\*77556232\***

**CORRESPONDENT ADDRESS:**

ROD S. BERMAN, ESQ.  
JEFFER, MANGELS, BUTLER &  
MARMARO LLP  
1900 AVENUE OF THE STARS FL 7  
LOS ANGELES, CA 90067-4308

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Spell C. LLC

**CORRESPONDENT'S**

**REFERENCE/DOCKET NO:**

57240-0777

**CORRESPONDENT E-MAIL ADDRESS:**

trademarkdocket@jmbm.com

### OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE: 12/10/2008**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

#### SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 2929084. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case

involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

Regarding the issue of likelihood of confusion, all circumstances surrounding the sale of the goods are considered. These circumstances include the marketing channels, the identity of the prospective purchasers, and the degree of similarity between the marks and between the goods. *See Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973); TMEP §1207.01. In comparing the marks, similarity in any one of the elements of sound, appearance or meaning may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b). In comparing the goods and/or services, it is necessary to show that they are related in some manner. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); TMEP §1207.01(a)(vi).

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

Registrant is using MY DOLL. Applicant intends to use CHEROKEE MY DOLL. The addition of the term CHEROKEE does not overcome the similarities between the marks. The mere addition of a term to a registered mark generally does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Trademark Act Section 2(d). *See In re Chatam Int'l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR'S ALE and JOSE GASPAR GOLD); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER); *Lilly Pulitzer, Inc. v. Lilli Ann Corp.*, 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); *In re U.S. Shoe Corp.*, 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY'S ACCU TUNE); *In re Cosvetic Labs., Inc.*, 202 USPQ 842 (TTAB 1979) (HEAD START and HEAD START COSVETIC); TMEP §1207.01(b)(iii).

The goods of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290

(Fed. Cir. 1984).

Both registrant and applicant are using or intends to use their marks in connection with dolls and doll accessories. The goods, therefore, are identical. The similarities between the marks and the relatedness of the goods create a substantial likelihood that consumers may be confused as to the source of the goods.

Applicant should note the following additional ground for refusal.

## **SECTION 2(a) REFUSAL – FALSE CONNECTION**

Registration is refused because the applied-for mark consists of or includes matter which may falsely suggest a connection with the Cherokee Nation. Although the Cherokee Nation is not connected with the goods provided by applicant under the applied-for mark, the Cherokee Nation is so famous that consumers would presume a connection. Trademark Act Section 2(a), 15 U.S.C. §1052(a); *see* TMEP §§1203.03, 1203.03(e). *See generally* *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); *In re Nuclear Research Corp.*, 16 USPQ2d 1316 (TTAB 1990); *Univ. of Ala. v. BAMA-Werke Curt Baumann*, 231 USPQ 408 (TTAB 1986); *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The following is required for a showing of false connection under Trademark Act Section 2(a):

- (1) The mark sought to be registered is the same as, or a close approximation of, the name or identity of another person or institution;
- (2) The mark would be recognized as such, in that it points uniquely and unmistakably to that person or institution;
- (3) The person or institution identified in the mark is not connected with the goods sold or services performed by applicant under the mark; and
- (4) The fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods and/or services.

*In re Nuclear Research Corp.*, 16 USPQ2d 1316, 1317 (TTAB 1990); *In re Cotter & Co.*, 228 USPQ 202, 204 (TTAB 1985); *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428, 429 (TTAB 1985); TMEP §1203.03(e).

With respect to the first requirement, CHEROKEE identifies a Native American people. See <http://www.bartleby.com>. Dictionary definitions alone may be competent to demonstrate that the mark sought to be registered is the same as, or a close approximation of, the named person or institution. *See, e.g., In re Cotter & Co.*, 228 USPQ 202, 204 (TTAB 1985) (holding that the wording WESTPOINT for various firearms falsely suggested a connection with the United States Military Academy, when the Board considered only dictionary definitions made of record).

With respect to the second requirement, the term points uniquely to the Cherokee people. It is widely

used to identify this Native American population. (See *Tiller's Guide to Indian Country*, pages 808-813 and the attached material from the Internet).

Third, applicant is not connected with the Cherokee Nation.

Finally, applicant's goods are of a type that the CHEROKEE sells, and the named party is sufficiently famous, then it may be inferred that purchasers of the goods would be misled into making a false connection of sponsorship, approval, support or the like with the named party. *In re Cotter & Co.*, 228 USPQ 202 (TTAB 1985); *In re Nat'l Intelligence Acad.*, 190 USPQ 570 (TTAB 1976).

The Cherokee Nation is the second largest tribe in the United States and the largest in the State of Oklahoma. (*Tiller* at page 808). Cherokee Nation Enterprises, a tribal corporation, operates casinos, smoke shops, gift shops and convenience stores providing revenue in 2004 of \$12 million dollars. The tribal government, alone, employed over 4,000 people making it one of the largest employers in Northeastern Oklahoma. (*Tiller* at page 810). The Cherokee Nation is sufficiently famous.

It also is involved in selling dolls. See <http://www.cherokeegiftshop.com>. Moreover, a variety of Cherokee artisans are involved with doll-making and selling. (See attached material from the Internet).

There are also toys and games uniquely identified with the Cherokee and Native American producers of these toys and games. (See attached material from the Internet). The fame of the Cherokee Nation is such that use of the mark on the goods identified in this application would result in a presumption of a connection between those goods and the Cherokee Nation.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

#### **DISCLAIMER REQUIRED**

Applicant must insert a disclaimer of DOLL in the application. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The following is the accepted standard format for a disclaimer:

No claim is made to the exclusive right to use "DOLL" apart from the mark as shown.

TMEP §1213.08(a)(i).

Applicant intends to use the mark on doll and doll accessories. The term, therefore, is descriptive in relation to the identified goods and must be disclaimed.

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when

used in connection with the goods or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A “disclaimer” is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. *See* TMEP §1213.10.

A disclaimer does not physically remove the disclaimed matter from the mark, but rather is a written statement that applicant does not claim exclusive rights to the disclaimed wording and/or design separate and apart from the mark as shown in the drawing. TMEP §§1213, 1213.10.

The following cases further explain the disclaimer requirement: *Dena Corp. v. Belvedere Int’l Inc.*, 950 F.2d 1555, 21 USPQ2d 1047 (Fed. Cir. 1991); *In re Brown-Forman Corp.*, 81 USPQ2d 1284 (TTAB 2006); *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983).

## IDENTIFICATION OF GOODS

The identification of goods is indefinite and must be clarified. *See* TMEP §1402.01. Applicant may adopt the following identification, if accurate: “Games and playthings, namely, [specify]; dolls and accessories therefore,” in Class 28.

Identifications of goods can be amended only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

/Kathleen M. Vanston/  
Examining Attorney  
Law Office 107  
(571) 272-9235  
kathy.vanston@uspto.gov [for informal inquiries]

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed**



**responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**Print: Dec 8, 2008**

**75960047**

**DESIGN MARK**

**Serial Number**

75960047

**Status**

REGISTERED

**Word Mark**

MYDOLL

**Standard Character Mark**

No

**Registration Number**

2929084

**Date Registered**

2005/03/01

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

ZHOU, Tao INDIVIDUAL CHINA Zheda QiuShiCun 19-302 Hangzhou, Zhejiang  
CHINA 310013

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: SOFT  
TOYS, DOLLS, DOLL CLOTHING AND DOLL ACCESSORIES, TOY FURNITURE,  
NAMELY, BED, CHAIR, CHEST, CHIFFOROB, TABLE, WARDROBE, AND VANITY.  
First Use: 1996/08/31. First Use In Commerce: 1996/08/31.

**Filing Date**

2000/03/14

**Examining Attorney**

KAZAZIAN, MICHAEL

My Doll



ᏌᏍᏉᏍᏉ ᏍᏉᏍᏉ  
**CHEROKEE NATION®**  
OFFICIAL SITE - [WWW.CHEROKEE.ORG](http://WWW.CHEROKEE.ORG)



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**Judicial**

Tuesday, December 09, 2008 6:23 AM CST

P.O. Box 948 Tahlequah, OK 74465

(918) 453-5000 / [Contact Us](#)

## Cherokee Nation Tribal Government

The Cherokee Nation is the federally recognized government of the Cherokee people and thereby has sovereign status granted by treaty and law. The seat of tribal government is the W.W. Keeler Complex near Tahlequah, Oklahoma, capital of the Cherokee Nation.

The Constitution of the Cherokee nation was approved by the Commissioner of Indian Affairs of September 5, 1975, and was ratified by the Cherokee people on June 26, 1976. A Constitutional Committee convened in 1999 to create a new Constitution, and in 2003 the Cherokee people overwhelmingly voted to accept it. The new Constitution was enacted in 2006. The Cherokee Nation Constitution calls for three branches of government:

### Executive:

Power is vested in the Principal Chief. The Principal Chief is responsible for the execution of the laws of the Cherokee Nation, establishment of tribal policy and delegation of authority as necessary for the day-to-day operations of all programs and enterprises administered by the Cherokee Nation tribal government. The Deputy Principal Chief is empowered to act as directed by the Principal Chief. The Principal Chief and Deputy Principal Chief are elected to four-year terms by popular vote of registered Cherokee voters.

[Chad Cornsassel Smith - Principal Chief](#)  
[Joe Grayson Jr. - Deputy Chief](#)

### Legislative:

Consists of the 17-member Tribal Council elected by popular vote to represent nine districts of the Cherokee Nation, plus two at-large members elected to represent those citizens who live outside the boundaries of the Cherokee Nation. The Tribal Council initiates legislation and conducts other business which will further the interests of the Cherokee Nation and its citizens. An elected Speaker presides over the Council as its president. Tribal Council terms are four

will further the interests of the Cherokee Nation and its citizens. An elected Speaker presides over the Council as its president. Tribal Council terms are four years.

#### **Judicial:**

Consists of the five-member Cherokee Nation Supreme Court, the Cherokee Nation District Court and the Wellness Court. Supreme Court, whose members are appointed by the Principal Chief and confirmed by the Tribal Council, is the highest court of the Cherokee Nation. The primary responsibility of the Supreme Court is to hear and resolve any disagreements arising under the provisions of the Cherokee Nation Constitution or enactments of the Tribal Council. The role of the District Court system is to hear all cases brought before it under jurisdiction of the Cherokee Nation judicial code. A district judge and an associate judge preside over court proceedings.

#### **Constitution Convention Commission (CCC)**

This Act was adopted for the purpose of establishing a Constitution Convention Commission. The Commission oversaw the conduct of a constitutional convention as called for by a vote of the Cherokee people in the 1995 election.

#### **Election Commission**

The Cherokee Nation Election Commission carries out Legislative Act No. 7-97, the Cherokee Nation Code Annotated, and the Constitution of the Cherokee Nation for the purpose of conducting all Cherokee Nation elections. It is our mandate to be of service to the Cherokee Tribal citizens and every effort will be made to fulfill it, as well as stay in compliance with Legislative Act 7-97.

#### **Tax Commission**

Its purpose, as set forth in the Cherokee Nation Tax Code, is to raise revenues, in a fair and efficient manner, to enable the government of the Cherokee Nation to provide governmental services to citizens of the Cherokee Nation and to promote tribal economic development, self-sufficiency and a strong tribal government.

#### **Marshal Service**

The Marshal Service on the front line of exercising sovereignty for the Cherokee people.

There are currently approximately 35 Marshals that work and live within the 14 county jurisdictional base. Their training includes 16 weeks at F.L.E.T.C. (Federal Law Enforcement Training Center) in Artesia, New Mexico. Many of the Marshals hold C.L.E.E.T. (Council Law Enforcement Education Training) certifications also.



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## Organizations

### Cherokee Nation Owned Businesses

- [Cherokee Nation Businesses](#)

Cherokee Nation Businesses is the parent company of a diversified portfolio of businesses owned by the Cherokee Nation.

- [Cherokee Nation Industries](#)

Cherokee Nation Industries operates as a government contractor in the aerospace and defense sector of manufacturing and distribution industries, and has more recently diversified into the telecommunications and services industries.

- [Cherokee Nation Enterprises](#)

Cherokee Nation Enterprises is the gaming and hospitality arm of the Cherokee Nation. CNE owns and operates Cherokee Casino Resort, six Cherokee Casinos, Cherokee Casino Will Rogers Downs, three hotels, two golf courses and many other retail operations in northeast Oklahoma.

- [Cherokee CRC](#)

Cherokee CRC is a tribally owned company that provides professional environmental solutions for both the government and private sectors.

- [Cherokee Services Group](#)

Cherokee Services Group is a general management consulting firm that focuses on the operational needs of medium to large size companies, governmental organizations and American Indian tribes.

### Associations

- **Cherokee Home Health**

Cherokee Nation Home Health Services, Inc. is a tribally incorporated not-for-profit home health care agency that is Medicare and Medicaid certified to provide state licensed home health care to all eligible clients.

- **Sequoyah Schools**

Sequoyah Schools is a regionally and state accredited private school system that provides grades 7-12 and has become the school of choice for more than 400 Native American students every year.

- **Talking Leaves Job Corps**

Job Corps is a voluntary program for young people who are motivated to learn the skills and work ethic they need to start and sustain their careers.

- **Cherokee Nation Tourism**

Cherokee Nation Cultural Tourism program is designed to promote the Cherokee people's cultural identity thereby nurturing respect for, knowledge of, and economic opportunities for the Cherokee people.

- **Cherokee Phoenix**

The Cherokee Phoenix is an independently operated tribal newspaper covering Cherokee Nation news, events and issues.

- **Cherokee Heritage Center**


The Cherokee Heritage Center offers other interpretive programs and features as well, such as educational workshops and special events, which support their goal for the preservation and promulgation of the Cherokee culture.

- **Elder Care**


Cherokee Nation Comprehensive Care Agency's PACE Mission is to enhance the quality of life and autonomy for frail older adults, while enabling the frail older adult to live in his or her home and in the community for as long as it is medically and socially feasible.

- **Cherokee Nation Washington Office**

The Cherokee Nation Washington Office (CNWO) opened in 2001 to serve as the Cherokee Nation's Government Relations Office in D.C. Our office acts as the liaison between Cherokee Nation tribal citizens and the United States Congress, U.S. Agencies and Administrative Offices, National Organizations and other Tribal Governments.



# CHEROKEE NATION GIFT SHOP




## Categories

- Baskets (1)
- Prints (9)
- Apparel (10)
- Beadwork (6)
- Books, Videos, and Music (48)
- Dreamcatchers (4)
- Featured (2)**
- Nation Seal Items (17)
- Pottery (10)

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## What's New?



**Pucker Toe Moccasin**  
Infant  
\$31.50

## Quick Find


## Featured

	Product Name +	Price	Buy Now
	Buffalo Grass Doll	\$29.98	<a href="#">Buy Now!</a>
	Pendleton Doll	\$34.98	<a href="#">Buy Now!</a>


Displaying 1 to 2 (of 2 products)

Result Pages: 1

## Visit our Store!



Located in Tahlequah, Oklahoma, the Cherokee Nation Gift Shop boasts an inventory of over a 1000 items and caring customer service that can't be beat.



Cherokee Gift Shop



Use keywords to find  
the product you are  
looking for.  
**Advanced Search**

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[Cherokee Nation](#)  
[Cherokee Casino and  
Resort](#)

**Cherokee Gift Shop**  
Route 2, 3.5 Miles South  
of Hi-way 62  
Tahlequah, OK 74464

#### Cherokee Language

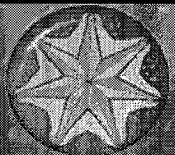
It has been said "When  
a people lose their  
language they lose their  
identity". This aspect of  
the Cherokee culture  
has been celebrated  
within this site by listing  
the products with the  
associated Cherokee  
words.

Cherokee is unique in  
that one of their own  
harnessed the tones and  
identified them by  
symbols. This was the  
work Sequoyah did.

Please enjoy the  
presentation of products  
and their associated  
Cherokee words.

Wa-do





## Cherokees of South Carolina



ECSTUT

Cherokees  
of S.C.

Cherokee  
General  
Information  
and History

Folkways  
And  
Artist

Volunteer  
Opportunities

Human Rights  
and Current  
Issues

Tuscarora  
Village  
Design  
Project

Historic  
Preservation

Educational  
programs

Future  
Projects

Cherokee  
Newspapers



### Folkways and Artist

Weaving Painting Woodworking  
Pottery



South Carolina Indians  
Today



South  
Carolina  
Indians  
Today

NATIONAL  
Native American  
Indian  
Organizational  
LINKS:

National Congress of  
American Indians

American Indian  
Movement

Office of American  
Indian Trust

Senate Committee on  
Indian Affairs

First Nations  
Development Institute

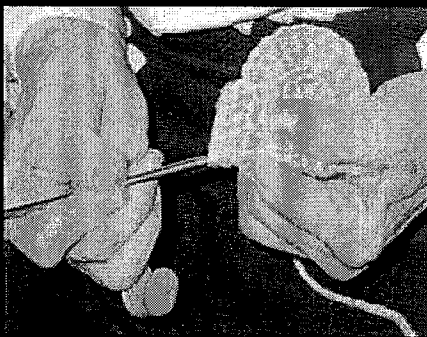
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### Weaving

The Cherokee women of the upcountry were certainly a part of their culture around the turn of the twentieth century. They like many of the women of their time continued with the



handicrafts that had been passed down from generation to generation. The Crazy Quilt was a favorite among the Upcountry Cherokees, because it was similar to the Cherokee "rag-cloth" of ancient times which utilized the scraps from many different sewing projects. These quilts

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scraps from many different sewing projects. These quilts were all hand sewn, unlike the contemporary quilts of today which employ the use of sewing machines. The Crazy Quilt, Indian Star Quilt, Patchwork Quilt, and Wedding Ring Quilt, are among those represented in this exhibition. One affect of the economic depression that struck South Carolina in the 1920s and 1930s was the use of quilts for gifts.

In the upcountry, with it's cold temperatures in the winter, the quilt was originally made for keeping warm in the winter. Necessity was the reason for all of the early utilitarian quilts, intended for use as bedcovers which contained woolen, cotton, and other heavier fabrics. Many different types of hand stitching was employed in the making of these quilts, including briar, feather, outline and blanket, just to name a few. A master quilter, such as Cherokee Clan Mother, Amanda Stegall Allen's work has lasted over a hundred years. This tradition is continued by her daughter, A. Felicia Taylor.



**Turtle Clan & Star Pattern Pillows  
Hand Designed, Cotton & Valor 12 "X 12 " 1980  
Artist: Elsie Taylor Goins**



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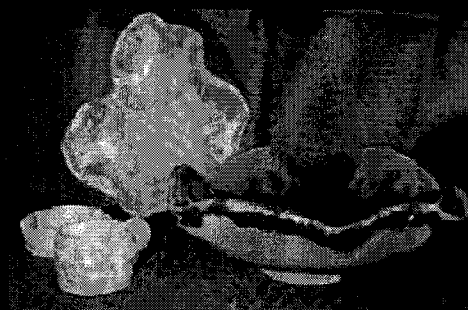
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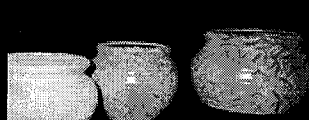
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## Pottery

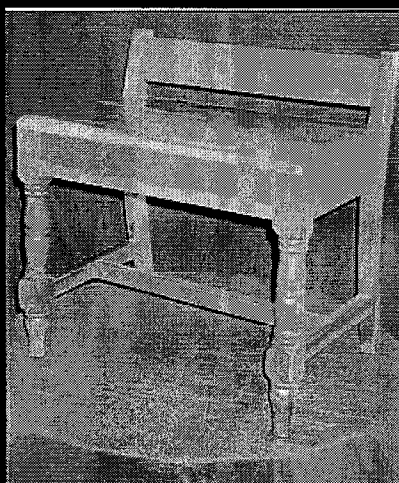


Traditional Cherokee pottery forms are primarily devoted to simple utilitarian shapes. Using Native clay, their fingers and a few old type tools for scraping and polishing, Cherokee potters shape cooking pots, storage jars, water jars and other types of dishes. The ancient way of shaping a vessel is to start with a small disk at the bottom and build up the walls with coils. Coils of clay are molded by hand and decorated by pressing or incising designs with smooth stones, wood or bone paddles and, other natural hand tools. To give the natural clay a dark, black hue, it is fired with softwoods like poplar that produce a thick smoke. Contemporary Cherokee potters use ancient methods, as well as, a variety of contemporary methods and designs in the creation of their pots, sculpt pieces and art objects. Traditional and contemporary aesthetic and technical demands are use in today's creations of clay pots, ceramics and art pieces in the clay medium.



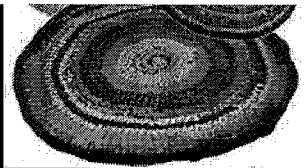
## Woodwork & Wood carving

Work with wood has always been a part of Cherokee culture. Ladles, dishes, trays, drums, bows & arrows, masks, "Stick Ball" sticks, and furniture are all items made by Cherokee woodcarvers.



Today still wood workers are very skilled in their crafts and in the items that they make for sale like furniture. "False Face Masks" are one of the most widely know art objects that collectors buy from Cherokee woodcarvers. These "chiseled out" Masks are hung in exhibitions and as decorative pieces in many homes, and art galleries, even though there were and are actually worn and used with dance with surrounding the Cherokee ceremonial dances and rituals.





### Cherokee Rag Rugs

A Traditional Cherokee art form, the "Rag Rug" is a fine example of the respect that the Cherokee have for everything in creation, including scraps of material. Nothing was thrown away, everything had a purpose and could be used. This is why Native Americans used every part of the animal in ancient times, because all was sacred and serviceable. When fabric was introduced, the Cherokee continued with this philosophy. The "rag cloth" and the "Rag Rug" was developed to use the extra scraps of cloth that were left after sewing, reminiscent of the Cherokee "rag cloth" of the famed Sequoyah jacket. These rugs are often found in Cherokee household as door mats and are very durable and can be washed in the washing machine.



### Doll Making

Like most civilized culture, the Cherokee made dolls for their children. Cherokee doll makers have become a long-standing favorite crafts person. The Cherokee doll makers create dolls dressed in the various fashions of their ancestors. Each doll maker has his or her own artistic design and technique. Cherokee dolls have become a valuable acquisition in many doll collections. Many of the dolls tell the stories of Cherokee

myths.



## Finger Weaving

Cherokee weavers continue to use the "loose-warp method" inherited from their forefathers.

Known as "finger weaving" some present day artists work with as many as eight strands at one time, to create the vivid color combinations and designs handed down from generation to generation. Without the use of a loom, and with only a stick to hold one end of the woven materials, dexterous Indian women weave sashes, scarves, headbands, and turbans from yarn. They originate their designs and the master weavers often handle thirty-six to forty-eight strands at one time, using only their hands to hold and guide the intricate process.



## Photography & Painting

Since the ancient Native petroglyphs or the early Catlin paintings, painting has been a part of Native American Indian culture and certainly Cherokee culture.

Today, Painting and Photography still have an important place in the art of the Cherokee people.

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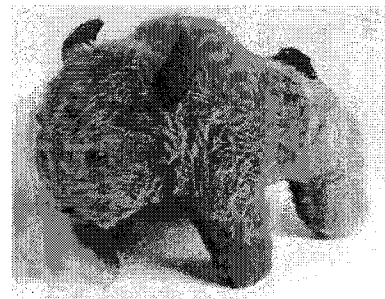
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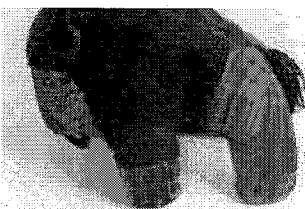


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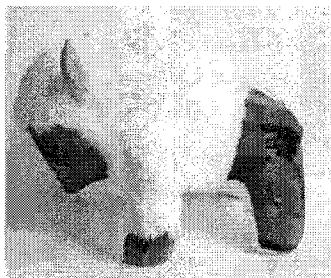
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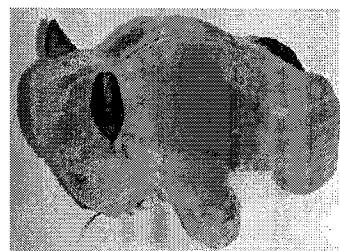
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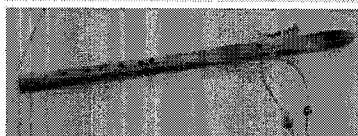


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*Cherokee Artist  
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**Native American Orphans™ (NAO)**



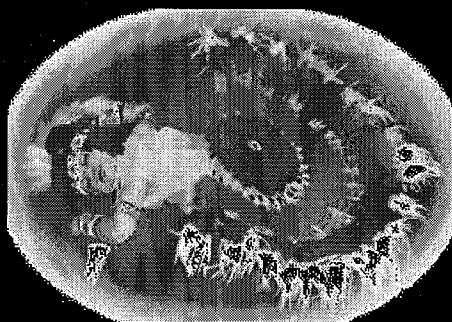
Native American Orphans™ (NAO) are rare collectibles created by Cherokee Artist, Margaret Flanagan. Since each doll is an original and takes literally hundreds of hours of labor and love to

Flanagan. Since each doll is an original and takes literally hundreds of hours of labor and love to create, there can only be about 12 dolls handcrafted per year. Each doll's clothing and moccasins are sewn from deer hide, complete with beadwork and feathers. These babies are very sturdily constructed; they are weighted for the feel of a living body, and even have "bones" in the fingers. Although most dolls are created in the approximate size of a 10-month-old child, dolls can also be ordered in sized from newborn to 3 years of age. Whatever the age or size you choose, Native American Orphan dolls are so real and life-like that they are often mistaken for live children!

The authentic patterns used in the clothing and footwear are researched to mirror tribal customs, or - if preferred - to match today's modern pow-wow styles. Beadwork can be ordered on the dress, shirt, moccasins, and on head, leg, and arm bands. Buntings are made from all types of fur, most often fox, rabbit, beaver, coyote, mink, or raccoon.



Native American Orphan dolls are often mistaken for live children!



"I listened as some of the Cherokee elder women talked about being at the stomp dances when they were very young. Most of the time, the dances would last all night. The children would play out and find a play to lay down and sleep. But as they got older, they learned that valuable pieces of history were often found in the very early morning. 'Just at dawn, some of the grandmothers would get up and show us dances that were no longer done - dances that they learned from THEIR grandmothers' one elder said. Among the Cherokees, the stomp dances are still held. The 'Danced Out Dancer' series of dolls is my tribute to all the little dancers of EVERY tribe. As long as there are children, there will be those who become inspired to learn the traditions handed down from generation to generation."

- Margaret Flanagan

"O Ga Na : All Danced Out"  
photo by Roger Raley

# Guthrie Studios

## Native American - Indian Art

Tahlequah, Oklahoma  
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Cherokee Indian Art, stories and history. Cherokee art with subjects including the Cherokee Trail of Tears, the Dawes Rolls and the Cherokee Little People, award Native American Artists offer a broad range of cultural art and gifts, expressing tribal pride. Hand made Cherokee Indian Art, Dolls, Watercolors, and Paper casts. Cherokee Indian home based business in the Heart of Cherokee Nation.

We have operated our Home Based Business for twenty-five years. Marketing artwork on the internet for the past eleven years. Working at home has allowed us to travel to many states, meeting people at shows and powwows. [Native Herbal Medicine](#) keeps the arthritis and other ills at bay so we can do the things we enjoy.

We have been earning more and more of our income online through our online marketing efforts. You could be working at home to. Read about our [Home based business](#).

Our Studios consists of several separate Cherokee Indian Art and Native American Art shops.



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## *"The Cherokee.... A People possessed of the divine fire"*

Morning Tears - winter, 1838-39

### Our Goals

We strive for a sensitive and accurate interpretation of Native American history, stories and life events. The Native American stories told with the art are as they come to us

### Studio Overview

The Guthrie's are Cherokee Artists with many national awards to their credit. Their work can be found in private art collections and prestigious Native American art galleries throughout the United States.

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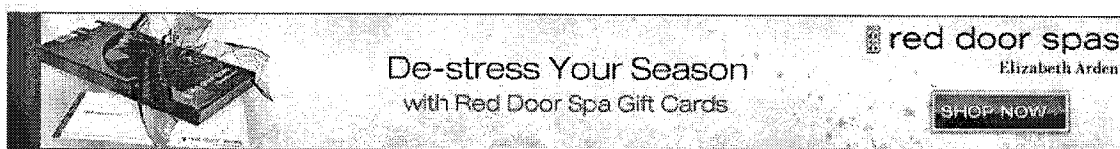
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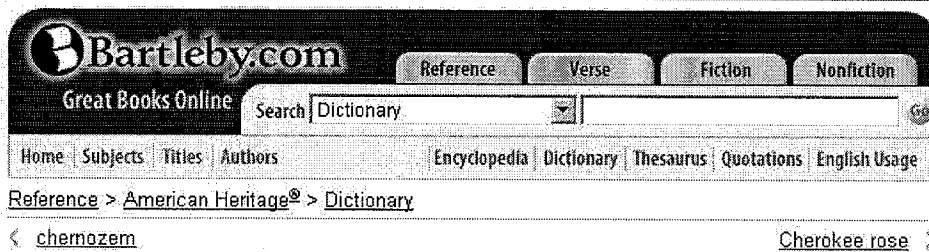
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## Cherokee

**SYLLABICATION:** Cher-o-kee

**PRONUNCIATION:**  chĕr'ə-kē', chĕr'ə-kĕ'

**NOUN:** Inflected forms: pl. **Cherokee** or **Chero-kees**

**1a.** A Native American people formerly inhabiting the southern Appalachian Mountains from the western Carolinas and eastern Tennessee to northern

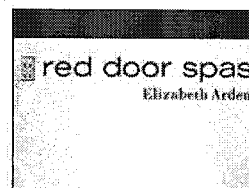
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red door spas  
Elizabeth Arden

Mountains from the western Carolinas and eastern Tennessee to northern Georgia, with present-day populations in northeast Oklahoma and western North Carolina. The Cherokee were removed to Indian Territory in the 1830s after conflict with American settlers over rights to traditional lands. **b.** A member of this people. **2.** The Iroquoian language of the Cherokee.

ETYMOLOGY: From Cherokee *tsalaki*.

OTHER FORMS: **Cher'o-kee'** —ADJECTIVE

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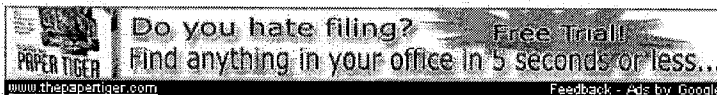
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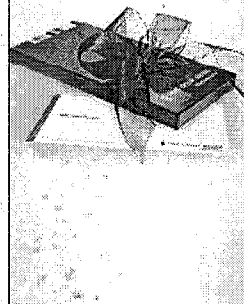
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**a-hi-tsa-la-gi-na-hi-su-la-go-gv-ni**

8:04 A.M. | Tuesday, December 9, 2008

### Cherokee Games

The Cherokee people played games for fun, gambling, or settling arguments. There are some games still known and used today.

(A-na-tsa) "Stickball" - A very rough game resembling our modern game of Lacrosse. Goal posts are erected on both ends of a long field. Players use ballsticks shaped like miniature tennis rackets and hand-made from hickory. A small ball, made of deer hair and hide, is tossed into the air by the Medicine Man.

The object of the game is to get the ball through the goal post with a wooden fish attached to the pole at the very top. The

**Cherokee Language**

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- Mailing List
- Days of the Week
- Numbers
- Family Terms
- Food
- Animals
- Sequoyah
- Language History
- Telling Time
- Trees
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Cherokee Clans

Stomp Dance

Cherokee Tear Dress

player scores when they hit the post or the fish. The amount of points earned depends upon where they hit. Very few rules apply, and biting, hitting, holding, gouging, and scratching are an accepted part of the competition. Each time a man is carried off the field his opponent must drop out also. No time limit is set and the rough battle continues until the proper number of points is scored by one of the teams. A score keeper puts pegs in the ground at the side of the field to keep track of the score. Stickball was also played during warfare and to settle disputes.

(Tsongey' unvi) "Marble Game" - This game is played with a disk made from granite, quartzite, or other fine-grained stone about six inches in diameter. A great deal of time was spent in shaping the stones and polishing them to a high luster. Two players carried poles eight to ten feet long. One of them rolled the stone across a smooth, prepared court. Both players ran after it, throwing their poles where they expected the stone to stop. The one being nearest to the stone when it stopped gained a point. It is thought that the game prepared young men for throwing the spear. High stakes were often gambled on the outcome.



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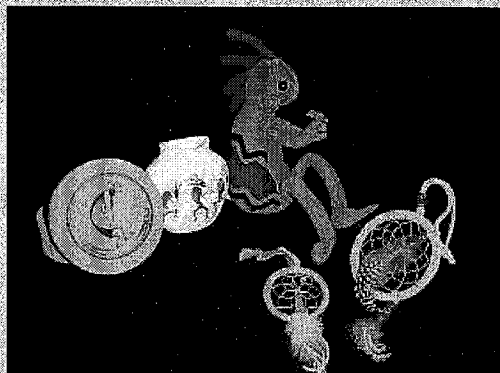
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## Indian Souvenirs



**Kokopelli**-This humpback flute player is found on petroglyphs in the southwest. According to legend, he traveled from village to village bringing music, seeds and prosperity to the tribe. We carry many items with his image-from jewelry to pottery to figurines.

**Dreamcatchers**-Dreamcatchers were used by many Native American tribes to protect a person from bad dreams. The good dreams would go through the center hole and slip gently down the feather to the person sleeping. Bad dreams would then be caught in the web and evaporate by the morning sun. Sizes 2" to 15". *Prices from \$6 to \$25.*

### Cherokee Toys

These toys have been made for years in America by Native Americans. Our selection includes tomahawks, vests, peace pipes, bow & arrow sets, headdresses, drums, boomerangs, and canteens.

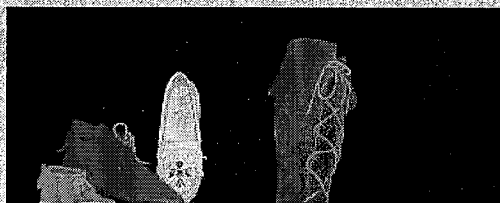
*Affordably priced from \$5 to \$18.*



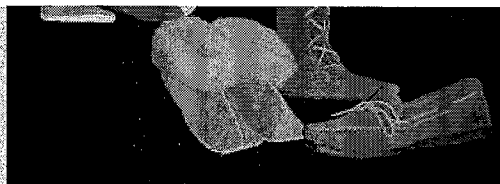
### Minnetonka Moccasins

Famous for their thunderbird beaded toe moccasins, this company has kept up with tradition and style since 1946. We carry many designs for infants through adults.

*Prices range from \$15 to \$60 for moccasins, \$20 to \$120 for sheepskin*



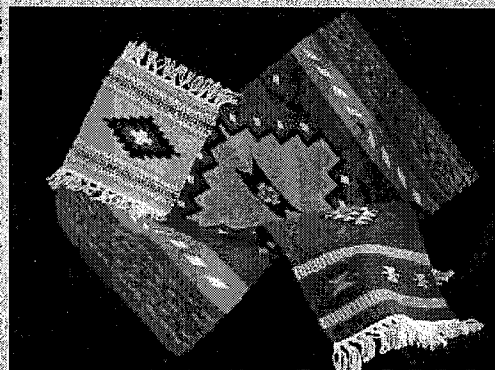
Prices range from \$15 to \$60 for moccasins, \$20 to \$120 for sheepskin slippers and boots. Contact us for a catalog.



### Rugs

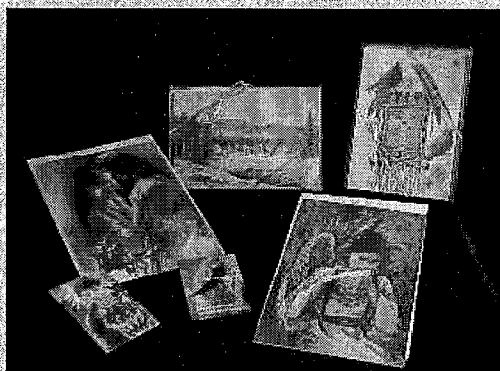
Although we do carry a few Navajo rugs for our collectors, we also have Mexican woven rugs at an affordable price. The designs are varied and typically southwestern, with beautiful colors. Many sizes are available.

*Mexican rug prices from \$5 to \$45.*



### Leanin' Tree

Leanin' Tree is known for their beautiful artwork and verses. We primarily carry their Native American themed works on posters, magnets, greeting cards, and Christmas cards.



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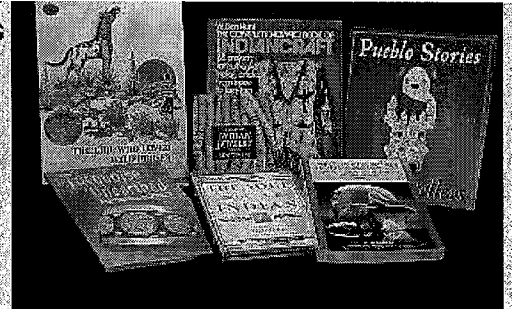
Our selection of books offers inspiration, research material, craft ideas,





Our collection of books offers inspiration, research material, and history and information on Native American cultures. Several children's books are available as well.

*Prices from \$5 to \$30.*



### **Music**

With its haunting melodies and soothing tone, Native American flute music transports you to another time and place. Often accompanied by guitar, orchestra, or sounds of nature, this music will enchant you.

Carlos Nakai, Kevin Locke, Alice Gomez, and Joanne Shenandoah are among the artists we represent.

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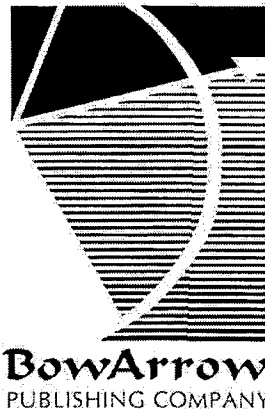
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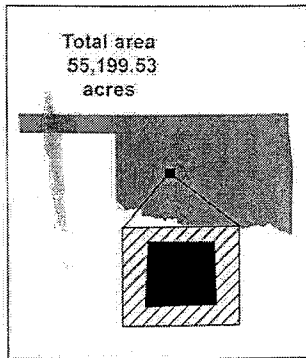
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Albuquerque, New Mexico USA



## Caddo

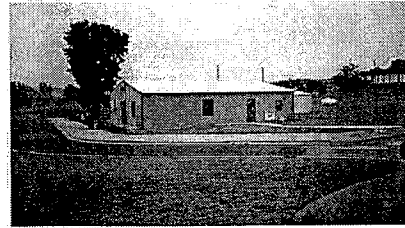


TRI-OK-001 Tribal Police office and trailer

TRI-OK-002 Hasinai Center, education building



TRI-OK-001



TRI-OK-002

cultural center, within the Caddo Tribal Complex. The American Indian Hall of Fame and Indian City USA are located 20 miles south of Binger in Anadarko. An Indian Exposition is held annually.

### INFRASTRUCTURE

The Caddo Tribal Complex is located in Binger, Oklahoma. Binger is bisected north-south by U.S. 281 and east-west by Oklahoma State Highway 152. I-40 passes approximately 17 miles north of the tribal headquarters.

**Electricity.** Caddo County public utilities provide electricity to tribal facilities and tribal members' homes.

**Fuel.** Oklahoma Natural Gas and Oklahoma Gas and Electric provide natural gas service to tribal members.

**Water Supply.** A BIA-funded rural water district provides water and sewer service.

**Transportation.** Commercial air services are located in Oklahoma City, 60 miles east. Private air service is available 60 miles south in Lawton, Oklahoma. Bus lines serve Binger, as

do UPS and FedEx package carriers. The CR&P Railway also serves the tribal area.

**Telecommunication.** Qwest provides telephone service.

### COMMUNITY FACILITIES AND SERVICES

The tribal complex houses a community center and the Caddo Nation Heritage Museum.

**Education.** Children attend public schools in Ft. Cobb, Binger, Braxton, Oney, Hinton, and Eakey. The Nation also operates a Head Start program.

**Health Care.** Tribal members receive health care from the Lawton Service Unit of the Indian Health Service with health centers in Anadarko and Carnegie and a health station at the Riverside Indian School. Hospitals are located in Lawton and Clinton.

### ENVIRONMENTAL CONCERNS

The Nation has U.S. EPA grants that provide for water and air control.

## Cherokee Nation

Cherokee Nation  
Jurisdictional service area  
Cherokee  
Washington, Tulsa, Rogers,  
Nowata, Craig, Mayes, Ottawa,  
Delaware, Cherokee, Adair,  
Wagoner, Muskogee, McIntosh,  
and Sequoyah counties,  
Oklahoma

Cherokee Nation  
Economic and Business  
Development Division  
P.O. Box 948  
Tahlequah, OK 74465  
918-456-0671  
918-456-6485 Fax  
cherokee.org

### LOCATION AND LAND STATUS

The tribal lands of the Cherokee Nation span 124,000 acres, or 7,000 square miles throughout 14 counties in northeastern Oklahoma. While not a reservation, the Nation's tribal land is held in trust by the U.S. government and is considered a Jurisdictional Service Area. With its capital in Tahlequah, a town of approximately 14,458 in Cherokee County, much of the Cherokee Nation rests on the Ozark Plateau, stretching from the prairie plains in the north and west to the foothills of the Boston Mountains in the east. The state's second-largest city, Tulsa, Oklahoma, is less than 65 miles from Tahlequah; Muskogee is 28 miles. The Nation considers its key development counties to be Adair, Cherokee, Delaware, and Sequoyah. The Nation has 61,000 acres available for development.

### CLIMATE

Tribal headquarters, at Tahlequah, Oklahoma, sits at an average elevation of 870 feet above sea level. Daily high temperatures average 73°F, with the highest temperature ever recorded being 118°F. Low temperatures average 48°F, with the lowest temperature ever recorded being -23°F. The area receives approximately 42.6 inches of precipitation annually.

### CULTURE AND HISTORY

The Cherokee Nation is the second-largest tribe in the United States and the largest in the State of Oklahoma, with a membership of over 230,000. Prior to European contact, the Cherokee people lived for almost a thousand years in the southeastern part of North America, with a traditional territory spanning approximately 126,000 square miles. Through a succession of treaties between 1721 and 1819, this vast territory was reduced to the mountainous areas of North Carolina, Tennessee, Georgia, and Alabama.

An extremely progressive, democratic people, the Cherokees often intermarried with their Anglo counterparts. They had their own educational system throughout the region, improved in part by the Cherokee linguist, Sequoyah, born in 1770 in Taskigi, Tennessee, who codified a syllabary or alphabet for the Cherokee people in 1821. This syllabary provided the Cherokee people with a written language that the Nation quickly adopted. Today, the Cherokee language is spoken by more than 10,000 Cherokees residing in northeastern Oklahoma, and by at least 1,000 Cherokees living in the vicinity of Cherokee, North Carolina.



Although a group of Cherokee people began to migrate west during the early 1800s to avoid the encroachment of European descendants on their territory, the history of the Cherokee people was permanently altered by their forced removal to what was then referred to as "Indian Territory" from their ancestral lands in the southeast. The discovery of gold in Georgia fueled anti-Cherokee resentment and the thirst for expansion on the part of the new settlers. Upon the recommendation of President James Monroe in his final address to Congress in 1825, the succeeding President, Andrew Jackson, authorized the Indian Removal Act of 1830. The displacement of Native people was not wanting for eloquent opposition. Senators Daniel Webster and Henry Clay spoke out against removal, and the Reverend Samuel Worcester, a missionary to the Cherokees, challenged Georgia's attempt to extinguish Indian title to land in the state, winning the case before the Supreme Court.

*Worcester v. Georgia* (1832) and *Cherokee Nation v. Georgia* in 1831, cases that are considered two of the most influential decisions in Indian law, challenged the constitutionality of the Removal Act and the U.S. government precedent for unapplied Indian-federal law. The U.S. government used the Treaty of New Echota in 1835 to justify the removal. The treaty, signed by 20 Cherokees, whose supporters numbered between only 5 and 10 percent of the Cherokee population and were known as the Treaty Party, relinquished all lands east of the Mississippi River in exchange for land in Indian Territory and the promise of money, livestock, and various provisions and tools. Opposition to the removal was led by Chief John Ross, a mixed-blood of Scottish and one-eighth Cherokee descent. The Ross party and most Cherokees opposed the New Echota Treaty, but Georgia and the U.S. government prevailed, using it as justification to force almost all of the 17,000 Cherokees from their southeastern homeland. An estimated 2,000-2,500 Cherokees died from hunger, exposure, and disease during their forced exodus. The journey became memorialized as the "trail where they cried" for the Cherokees and other removed tribes. Today it is remembered as the "Trail of Tears."

The years between the removal and the 1860s were the Cherokee Golden Age, a period of prosperity ending with the devastation of the American Civil War. *Cherokee Advocate*, printed in both English and Cherokee, became the first newspaper in the State of Oklahoma, and the *Cherokee Messenger* was its first periodical. By the time of Oklahoma's statehood in 1907, the Cherokee Nation had established an educational system composed of 144 elementary schools and two higher education institutions, the Cherokee National Male and Female Seminaries. With the Cherokee syllabary, the Cherokee people achieved a higher rate of literacy than their white counterparts.

After the war, more Cherokee land was taken to accommodate other tribes displaced by U.S. government policy. At the turn of the century, most of the remaining tribal land was parceled out to individual Cherokees eligible for allotments who enrolled in a census known as the Dawes Commission Rolls of 1906. The social and economic isolation experienced by the Oklahoma Cherokees after statehood was compounded by the Great Depression and Dust Bowl era of the 1930s. It is estimated that more than a third of the residents of Oklahoma left the state during this time, including many Cherokees. Presidents of the United States appointed various principal chiefs in the 65 years following statehood, with little authority or responsibility, as there was no formalized Cherokee government. Since reorganization in the 1970s, the Cherokee Nation has become a leader in education, health care, housing, vocational training, and economic development in northeastern Oklahoma.

An annual three-day Cherokee National Holiday, celebrated since 1953, commemorates the signing of the 1839 Cherokee Constitution each Labor Day weekend. The event has grown into one of the largest in Oklahoma, attracting more than 70,000 people from across the world.

#### GOVERNMENT

Prior to their forced migration to the west, the Cherokees maintained a dual organization of tribal government: a white, or peace, organization made up of elders, many of whom were priests, and a red, or war, organization. The priests performed both secular and religious functions under the direction of a great high priest, also known as a peace chief or principal chief. Seven councilors represented the seven clans to assist in administering civil law and invoking blessings from the Creator. The war organization was made up of ranking military officials, led by the great war chief, who controlled all governmental decisions while at war.

Today, the Cherokee Nation, under PL-638, contracts with the BIA to administer key programs and services. The tribal government is organized into a three-branch democratic structure with offices in the W.W. Keeler Complex in Tahlequah, Oklahoma. Sovereignty is guaranteed by treaty and law.

The Nation's constitution was ratified in 1976. A 15-member elected Cherokee Nation Tribal Council serves as the government's legislative branch, with members elected to four-year terms by a popular vote of all registered voters. Under the leadership of Principal Chief Wilma P. Mankiller, the first elected female chief of any major tribe, the Nation negotiated a PL-638 Self-Governance Agreement with Congress on February 10, 1990. This agreement authorizes the tribe to plan, conduct, consolidate, and administer programs and receive direct funding to deliver services to tribal members. The Cherokee Nation also passed legislation establishing a Cherokee Nation District Court and criminal penal and procedure code.

As head of the executive branch, the principal chief is responsible for the execution of laws, the establishment of tribal policy, and the delegation of authority as necessary for the day-to-day operations of the Cherokee Nation Tribal Government. There is also a deputy chief. They are both elected to four-year terms by popular vote of registered Cherokee voters.

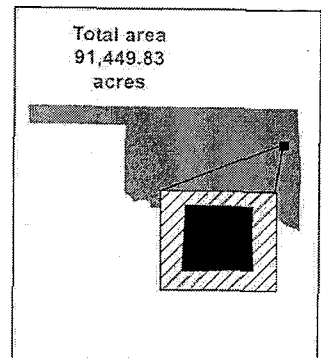
The legislative branch consists of a 15-member tribal council with representatives elected from the nine districts of the Cherokee Nation. The council initiates legislation and conducts business on behalf of all tribal members. The deputy chief presides over the council as its president. Tribal council terms are four years.

A judicial appeals tribunal and the Cherokee Nation District Court make up the judicial branch of government. The tribunal, with members appointed by the principal chief and confirmed by the tribal council, is the Nation's highest court. It hears and resolves disagreements brought before it under jurisdiction of the Cherokee Nation Judicial Code. A district judge and an associate judge preside over all court proceedings.

The Cherokee Marshals provide law enforcement services. A 32-person department, the Marshals are cross-deputized with major law enforcement agencies throughout the Nation's 14-county area.

Specially established commissions assist in carrying out various governmental functions: election, gaming, and tax commission. These serve an oversight function, regulating and managing various enterprises and functions. Within these

## Cherokee



Total area (BIA realty, 2004)  
91,449.83 acres

Tribally owned (BIA realty, 2004)  
45,054.90 acres

Federal trust (BIA realty, 2004)  
407.51 acres

Individually owned  
(BIA realty, 2004)  
45,987.42 acres

Population 2000 census  
1,066,024

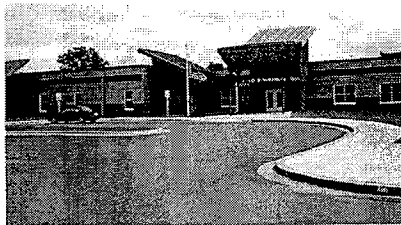
Total labor force 2000 census  
208,936

High school graduate or higher  
2000 census  
77%

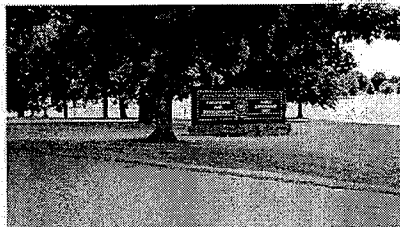
Bachelor's degree or higher  
2000 census  
15%

Unemployment rate 2000 census  
5.8%

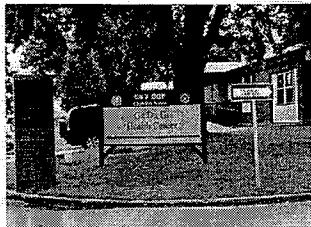
# Cherokee



TRI-OK-003



TRI-OK-004



TRI-OK-005



TRI-OK-006



TRI-OK-007

TRI-OK-003 Front view of Child Care/Health Center

TRI-OK-004 James Danielson Children's Village, sign in park

TRI-OK-005 GWY DBP Cherokee Nation, Ga Du Gi Health Center

TRI-OK-006 Early Childhood Unit

TRI-OK-007 Early Childhood Unit

commissions, there are the following divisions: education, planning and development, internal audit and review, tribal operations, finance management, general council, human resources, and information systems. The community service division maintains roads and provides water, wastewater, and other environmental programs. Tribal departments include: law and justice, natural resources, real estate services, and credit and finance, which provides personal and business financial education and loans to tribal members. Other enabling services are membership-support programs or services that are internal to tribal government.

The housing authority of the Cherokee Nation, created in 1966, provides safe, sanitary housing to low-income tribal members living within the boundaries of the Cherokee Nation. The authority is governed by a five-member board of commissioners appointed by the chief and approved by the tribal council. Each member serves a three-year term. The authority operates homeownership programs, including homeowner's insurance, rental programs, the Section 8 Welfare to Work Program, elderly housing including low-income housing tax credit services, home rehabilitation, and emergency housing programs. The 2003 Annual Report to The Cherokee People reported that the housing authority built 300 homes during 2001 and again in 2002, a record number. Senior housing centers, with 40 apartments each, were built in Stilwell and Jay, Oklahoma, during 2003.

## BUSINESS CORPORATION

Cherokee Nation Enterprises (CNE) is a tribal corporation with offices in Tahlequah and Catoosa. The enterprise operates casinos, smoke shops, gift shops, and convenience stores, providing revenue to the Nation in the form of dividends. Anticipated revenues for fiscal year 2004 were \$12 million. Generous donations of time and financial resources are given to area nonprofit agencies and schools, tribal and nontribal alike. Seventy-two percent of CNE employees are Cherokee tribal members; 80 percent are Native Americans.

Cherokee Nation Industries (CNI), an award-winning tribal workforce development project, was incorporated in 1969. (See *Manufacturing* for details.)

## ECONOMY

The Cherokee Nation economy is a diverse mixture of agribusiness, small business enterprises, mining, gaming, manufacturing, and tribal operations.

*Government as Employer.* Tribal government, through its various enterprises, programs, and services, employed over 4,711 people in 2004, making it one of the largest employers in north-eastern Oklahoma.

*Economic Development Projects.* A tax code, approved in 1990, levies a tobacco tax and a sales tax. A fuel tax agreement was reached with the State of Oklahoma in 1997, wherein the Nation will be rebated a portion of the amount of fuel tax collected from the sale of gasoline on tribal lands for the next 20 years, in exchange for an agreement not to sue or license tribal members to sell gasoline.

To better prepare tribal members for participation in the local wage economy, in 1978 the Nation established the Talking Leaves Job Corps Center in Tahlequah, Oklahoma, one-half mile from tribal headquarters. The 22-acre vocational training facility serves Native American youth from across the country. Approximately 270 graduates are placed as electrical wiremen, administrative office assistants, cooks, or home health aides each year, and they serve their community through various volunteer activities, such as a voter registration drive for Native Americans or landscaping tribally owned facilities. There are also 11 field offices offering vocational rehabilitation services.

*Agriculture and Livestock.* Agribusiness and livestock production represent an important source of revenue for the Cherokee Nation. The tribe's poultry operations produce over 1 million four- to five-pound broiler chickens each year (on the No More Poultry Farm). Hudson Hog Farm leases 40 acres of

tribal land for its facility (the No More Hog Farm), which produces approximately 1,000 sows annually. In addition, the tribe owns the Cherokee Gardens, a nationally recognized horticulture center.

On its farm lands, the tribe raises winter wheat, soybeans, alfalfa, and native hay. While the tribe owns no cattle, land is leased for grazing on a bid process with 5-10 year terms for cattle production.

**Forestry.** The Candy Mink Springs Wood Operation produces and markets packaged firewood in 0.75-cubic-foot bundles to wholesale distributors, providing employment to local tribal members. The majority of the supply of firewood comes from land development projects on Cherokee tribal lands, with areas replanted to improve pasture for the tribal grazing program. Kenwood Wood Industry, a woodcutting operation, uses an environmentally sensitive replanting program. The tribe's forestry project oversees a 300-acre pine tree production project, wherein pines are continuously grown and sold for wood and pulp. Another 25,000 acres of mixed hardwood timber are available for development.

**Gaming.** In 1990, the Cherokee Nation opened its first high-stakes Bingo Outpost in Roland. By the end of 2004, Cherokee Casino had gaming operations at four separate locations: Catoosa, Fort Gibson, Roland, and Siloam Springs. The 15,000-square-foot Catoosa facility will feature 400 electronic games, a card room for table games, and a snack bar. The Cherokee Casino and Resort, which opened summer of 2004, features a new 150-room hotel and resort, expansions to the casino already on-site, and a redesigned club at the golf course. The facility added approximately 500 employment opportunities at Catoosa. Another facility near Sallisaw will be opened in spring 2005. Nearby, the Nation will build a 33-room hotel, the Southern Hearth Inn.

**Mining.** There are 14.1 trillion cubic feet of known coal and natural gas reserves, in addition to approximately 1.8 trillion cubic feet of new reserves discovered continually in the state. Coal beds cover 1.5 million acres in eastern Oklahoma, with reserves estimated at 3 billion tons. Cherokee Nation coal is bituminous and most is surface mined.

**Manufacturing.** Cherokee Nation Industries (CNI) is a 100 percent tribally owned integrated aerospace, defense, and telecommunications contractor and distribution enterprise, specializing in electronic component assembly and integration; wire harness and cable assembly; fiber-optic cabling, field installation services; laser wire marking, Just-in-Time and Point-of-Use Inventory Management systems, project kitting, contract medical and engineering professional services, and environmental and construction services. CNI, a top-tier manufacturer of electrical and electronic wire harnesses, is an ISO 9000-registered company in the cable harness, distribution, and telecommunications divisions.

CNI competes for contracts with the federal government via HUB Zone designation and is a certified Small Disadvantaged Business/Supplier. The business, a certified U.S. Small Business Administration 8(a) contractor, incorporated in 1969 as a tribal workforce development project, and the Oklahoma Native American Business Development Center named it "Manufacturer of the Year" in 1995 and 2000. CNI was also recognized as the "Small Disadvantaged Business of the Year" in 1987 and 1999 by Boeing and by FMC's Ground Systems Division in 1992. CNI reported a \$1 million profit for fiscal year 2003.

Cherokee Nation Distributors (CND), created in 1988 to meet the increasing military demands for a minority supplier of elec-

trical connectors, connector accessories, wire, and shrinkable tubing, is a wholly owned subsidiary of CNI. They have expanded into value-added services. This division is an ISO 9002 Distributor, a Lockheed Star Certified Supplier, and a Boeing Silver Supplier. CND is a franchised distributor for Raychem, Sunbank, Amphenol, Critchley, Pyle, and Matrix.

A 20-acre parcel within the 1,050-acre Cherokee Nation Ranch in southwestern Delaware County houses two buildings equipped for a high-production pallet mill, representing a \$100,000 investment. Also on this parcel are 12 kilns available for charcoal production.

**Industrial Park.** Located 25 miles from the tribal complex at Tahlequah, the Cherokee Nation Industrial Park at Stilwell sits between the new Stilwell Airport and another parcel of tribal land. Spanning 151 acres, with full utilities, the park is located near air transport, the Muscogee Port, and rail service. Several manufacturers, such as Facet Quantex, a commercial oil and fuel filter producer, already use this site.

**Media and Communications.** *The Advocate*, a newsletter published by the public affairs department, includes press releases, special announcements, cultural tidbits, an events calendar, and information. Three times weekly, a Cherokee Nation Radio Show is aired on two radio stations, KEOK-FM and KTLQ-AM.

**Tourism and Recreation.** There are 50 state parks and recreational areas in the heart of the Cherokee Nation. In 2004, the Nation was developing a map of attractions, historical sites and markers, and other sites of interest. Recreational development is possible on available forested lands, and visitors enjoy beautiful vistas while fishing, hunting, canoeing, boating, and hiking. Summer theater is a popular warm-weather attraction, and the state's first pari-mutuel race track is located in the southern part of the Cherokee Nation. Cherokee Nation Enterprises purchased Will Rogers Downs, a quarter horse-racing track near Claremore, Oklahoma, in 2004. The 236-acre facility is to be renovated with a new restaurant and an entertainment venue.

The Cherokee National Historical Society operates a Heritage Pottery program under the auspices of the Tsa La Gi (Cherokee) Heritage Center in Talequah, with revenues reverting back for tribal use in various cultural education programs. There is a Museum Shop in Park Hill. All Cherokee Heritage Pottery items are guaranteed to be authentically Cherokee-handcrafted, as are the other traditional crafts and contemporary art works offered by the Cherokee Heritage Arts program.

For those interested in cultural enhancement, the Tsa La Gi Heritage Center includes a museum featuring both permanent and temporary collections with an educational component, an ancient Cherokee Village, an outdoor amphitheater performing a Trail of Tears Drama, and a series of special events. Moreover, the Cherokee Heritage Arts (formerly known as the Cherokee Nation Fine Art Gallery) in Tahlequah features both contemporary and traditional visual arts. The Cherokee Family Research Center, located in the Museum Building of the Heritage Center houses a research library of genealogy materials, including access to census information and the Dawes Rolls. (See also, *Education*.) The Cherokee National Historical Society, established in 1963, is a tribally sponsored nonprofit organization dedicated to preserving Cherokee history and promoting Cherokee culture and the education of all people. This program supports educational programs. Both Natives and non-Natives are welcomed as members of the Cherokee National History Society, and all facilities are open to the public.

# Cherokee

The Nation's biggest event is the annual Cherokee National Holiday, a three-day celebration of Cherokee culture and history that honors the signing of the Cherokee Nation Constitution in 1839. Events include a parade, a fiddling contest, an Indian rodeo, blowgun competitions, arts and crafts booths, a powwow, traditional games, sports tournaments, special children's activities, traditional feasts, and Indian vendors.

## INFRASTRUCTURE

**Electricity.** The Oklahoma Gas and Electric Public Service Company, along with the state's Grand River Dam Authority and dozens of rural electric cooperatives, provide energy to the Cherokee Nation. Fourteen electric generating plants are operating on the Cherokee Nation with a capacity of 5,000 megawatts. Several of the dams and power heads are located on a portion of the Arkansas River owned by the Cherokee Nation, and the tribe is conducting a feasibility study on constructing a power head in Sequoyah County.

**Fuel.** The Oklahoma Gas and Electric Public Service Company provide energy to the Cherokee Nation.

**Water Supply.** The Nation's Water and Sanitation Services Program provides water and sewer repair for tribal members.

**Waste Management.** An important source of tribal revenue is the Nation's Sanitary Landfill, located on 160 acres in Adair County. Just outside Stilwell, this landfill is environmentally safe and has maintained high-quality inspection grades. The landfill services three Oklahoma counties and several Arkansas cities.

**Transportation.** More than 500 miles of four-lane highways and an additional 5,000 miles of U.S. and state highways crisscross the Cherokee Nation, insuring rapid movement of materials to and from all points of the country. The southern portion of the Cherokee Nation is crossed by I-40, connecting Fort Smith, Arkansas, with Oklahoma City, Oklahoma. To the north, Joplin, Missouri, and Tulsa, Oklahoma, are connected by I-44. Three of the state's six turnpikes—Will Rogers, Indian Nation, and Muskogee—dissect Cherokee Nation lands, as do U.S. 69 and U.S. 62, at Tahlequah.

A network of major railroad lines connects the Nation with all United States cities, markets, and ports: Santa Fe, Kansas City Southern, Missouri-Pacific, the Frisco, and Katy. In addition there are 11 piggyback ramps in 5 nearby cities. More than 30 motor freight common carriers offer service to all areas, including Consolidated Freightways, Roadway Express, Transcon, Tucker Freight Lines, Arkansas Best Freight, and Yellow Transit.

Completion of the McClellan-Kerr Navigation System along the Arkansas River in 1971 opened another avenue to surrounding United States markets and world ports. Barge tonnage reached 1,379,000 tons in 1983 and continues to increase through the system's ports. The Port of Caloosa, in Rogers County, sits at the head of the navigation channel near Tulsa, 440 miles from the Mississippi River. The port boasts complete warehousing and cargo facilities and has been designated a Foreign Trade Zone. The Port of Muskogee is served by five major highways, including the Muskogee Turnpike, which connects with Tulsa and I-40.

The Tulsa International Airport represents the region's largest commercial airport. The Fayetteville Airport, located 25 miles from the Cherokee Nation in Arkansas, offers large-scale air transportation, as does the Fort Smith Regional Airport, located just across the Arkansas border from the Nation. The Cherokee Nation also has 27 privately owned and municipal

airports, including a facility at Tahlequah, where improvements have extended runways to handle small corporate jets.

## COMMUNITY FACILITIES AND SERVICES

The Cherokee Nation offers a plethora of community facilities, including the W.W. Keeler Tribal Complex located in Tahlequah. There is an excellent vocational training program for members, including the Talking Leaves Job Corps Center and the Cherokee Nation Employment Assistance Readiness Network and Self-Determination Program. Three vocational/technical schools serve six communities in the Cherokee Nation, and a skills center is located in Tahlequah. The Cherokee Nation's Career Services Department offers literacy centers where basic computer skills training, Internet access, individualized tutoring, and employment and training assistance is offered.

The housing authority offers a homebuyers education course, various rural rental (assistance) programs, such as a Section 8 Welfare to Work Program, 202 Elderly Housing and Low Income Rentals, a Title VI Homeownership Program, and a Mortgage Assistance Program. In 2002, the Nation's Housing Authority obtained a drug elimination grant and used it to establish a cultural renewal program. That year, a total of 62 youth participated in research activities, interviewing elders, doing arts and crafts, studying language programs, playing traditional games, and listening to various presenters from the tribe and surrounding communities. Future goals include participation in community service projects, additional language programs, economic development in the form of entrepreneurship training, leadership skills training, and job shadowing.

The Cherokee Family Research Center, which houses a genealogical research library, is located in the Cherokee Heritage Center Museum. The archives include access to Dawes Rolls. The 44-acre facility, located in Park Hill, Oklahoma, includes a 1,500-seat outdoor amphitheater, Tsa-La-Gi Ancient Village, Adams Corner Rural Village and Farm, and the Cherokee National Museum. The museum features permanent and temporary exhibits, the annual Trail of Tears Art Show, and a shop where books, publications, and authentic arts and crafts are available for purchase.

The Nation opened its own Veteran's Office in 2001, and that same year they opened a tribal office in Washington, D.C.

**Public Safety.** Forest fires are combated by the Fire Dancers, an arm of the U.S. Forest Service Firefighters since 1988.

**Education.** There are numerous educational facilities throughout the Cherokee Nation from Head Start programs to advanced university education. The Children's Village Circle of Friend's complex includes a Child Care Resource Center, a pregnancy prevention program called "Serving Teens through Education," Even Start, and Head Start. The Nation's Education Department oversees programs that support educational opportunities for Cherokee students, preschool through graduate education. Special programs called Cherokee Nation Language Immersion Centers are key components of the Cultural Resource Center's efforts to work in collaboration with the schools to increase Native language usage among the Nation's youngsters.

Two comprehensive state-supported universities, the University of Oklahoma and Oklahoma State University, serve the area, and there are two medical schools and two private universities in nearby Tulsa. Northeastern State University is located in Tahlequah.

Sequoyah High School, an Indian boarding school, was originally established in Tahlequah in 1871 as an asylum for orphans of Civil War casualties. The 40-acre facility was sold to the Department of Interior in 1914, and in 1925 the name was changed to Sequoyah Orphan Training School. In November 1985, the Nation resumed operations, and the campus now consists of 90 acres and at least 12 classroom and dormitory buildings.

The Cherokee Nation Education Corporation, a nonprofit organization, sponsors a Memorial Scholarship Fund for application by any tribal resident of Adair County desiring to further their education beyond high school. Awards of up to \$2,000 may be obtained. The Nation also offers scholarships of \$1,000 per semester via the Cherokee Nation Higher Education Program.

**Health Care.** Throughout the Cherokee Nation, there are a number of health clinics and community health representative programs. Thirty hospitals serve the Cherokee Nation, including the W.W. Hastings Indian Hospital, the Claremore Indian Hospital and a Veterans Hospital in Muskogee. A cooperative agreement between the Cherokee Nation Health

Service and the NSU College of Optometry provides vision care via the Cherokee Rural Health Network. Chemical dependency can be treated at the Jack Brown Center, a residential treatment facility.

#### ENVIRONMENTAL CONCERNS

The Nation has its own Office of Environmental Protection and Environmental Health Program to ensure that all tribal facilities are operated in environmentally sound ways, encouraging tribal members to lead lives of ecological balance. The Nation's Environmental Health Program staff participates on an Inter-Tribal Environmental Council. The tribe preserves 25 acres of blue stem grass in Cherokee County, Oklahoma. Another 317 acres are preserved as native meadow in Kay County. Acreage dedicated to wildlife habitat preservation is set aside near Tahlequah. Issues of concern in 2004 included: 1) a tribal chicken farm that potentially threatens water quality in the surrounding area, and 2) involvement in a water-rights dispute with the U.S. Army Corps of Engineers over storage rights on Lake Tenkiller. The Nation claims full ownership of 14,000 acre-feet of rights under past treaties between the tribe and the federal government. There are 96 miles of Arkansas River bed crossing the Nation's lands.

## Cherokee

## Honoring Nations Honoree 2002

Cherokee Nation History Course, Department of Human Resources  
Cherokee Nation (Tahlequah, Oklahoma)

Required as mandatory training for tribal employees, the Cherokee Nation History Course has given employees, both Cherokee and non-Cherokee alike, a stronger sense of pride and a better understanding of self-governance. Indeed, this successful and innovative history and leadership course has stimulated a shift in employees' and citizen's thinking. Tribal employees see themselves not only as service providers, but as leaders of their nation; tribal members no longer see themselves as mere recipients of services, but as active citizens of a sovereign nation.

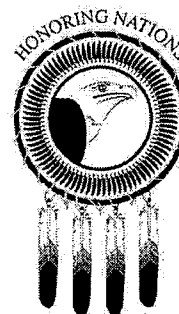
The Cherokee Nation has a long and well-documented history. In the eighteenth century, Cherokee citizens suffered from smallpox, genocidal warfare, and encroachment brought on by early white settlers. Later, in 1838, the US Government forcibly removed the Cherokees from their homelands in the eastern US to Oklahoma along the infamous "Trail of Tears." Thousands of Cherokees died en route. At the end of the nineteenth century, the Dawes Allotment Act designed to assimilate Indians into mainstream society by privatizing Indian lands brought about the calamitous loss of Cherokee lands in Oklahoma. Unfortunately, Cherokees fared no better in the twentieth century. In 1906, the US Government "dissolved" the Nation's elected government by federal legislation. In the Depression of the 1930s, a "second" or "economic" Trail of Tears occurred, as tens of thousands of Cherokees migrated away from the Cherokee country, seeking work in distant places, especially California and Texas. World War II and the relocation projects of the Bureau of Indian Affairs (BIA) created additional expatriates in the 1950s and 1960s, presenting further challenges to the Cherokee Nation's political and social cohesion.

Less known of the Cherokees is their history of innovation and adaptation in response to these destructive events. Especially notable is the Nation's unwavering commitment to educating its citizens and to preserving and exercising its governmental

powers. In the nineteenth century, the Nation adopted a first-of-its-kind syllabary of the Cherokee language, founded the first institution of higher learning for women west of the Mississippi, constructed a men's seminary, and opened 150 day schools, which represented the first system of co-educational public instruction in the world. The Cherokees attained a literacy rate of 90 percent—a rate three times higher than that of surrounding communities. In 1827, even before the Trail of Tears, the Cherokee Nation adopted a written constitution. After the removal but 150 years prior to formal congressional recognition of the importance of tribal courts—the Cherokee Nation constructed a courthouse that stands to this day. In the 1970s, the Cherokee Nation rebounded from the disastrous federal policies of termination and relocation by formally reconstituting its government. Within several years, it reinstituted the elections of a principal chief and rejuvenated the tripartite government that had been constitutionally established in the 1800s.

Regrettably, the Nation's enormous resilience and flexibility in the face of adversity has too often been overshadowed by the more commonly told stories of economic and political deprivation. Many Cherokee citizens, unaware of their long tradition of innovation and excellence, have been left feeling disempowered. Despite the reorganization of the Cherokee Nation in the 1970s, many Cherokees today have struggled to regain an understanding of their citizenry and sovereignty as a nation. Several years ago, a Cherokee tribal attorney overheard another tribal employee cut off a problem-solving conversation with the comment, "We can't do that. The Bureau of Indian Affairs won't let us." The employee's deference to the BIA revealed a failure to appreciate a history of innovation and adaptation by the Cherokee people.

In 1992, the tribal attorney organized a course to teach the legal history of the Cherokee Nation. Eventually it evolved into the Cherokee Nation History Course—a forty-hour college-level



Honoring Nations  
Honoree 2002

Text in its entirety from:  
The Harvard Project On  
American Indian Economic  
Development

John F. Kennedy School  
of Government  
Harvard University

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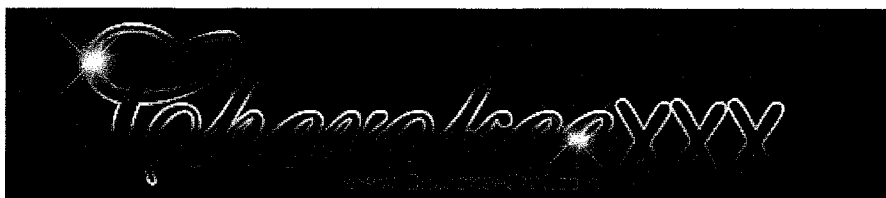
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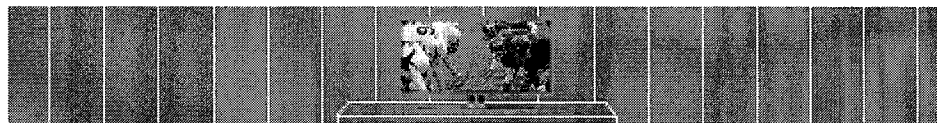
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## native

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<sup>1</sup>native (adjective)

<sup>2</sup>native (noun)

Native American

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Main Entry: **<sup>1</sup>na·tive**

Pronunciation: \ˈnā-tiv\

Function: *adjective*

Etymology: Middle English *natif*, from Middle French, from Latin *nativus*, from *natus*, past participle of *nasci* to be born — more at **NATION**

Date: 14th century

**1** : **INBORN** , **INNATE** <*native* talents>

**2** : belonging to a particular place by birth <*native* to Wisconsin>

**3** *archaic* : closely related

**4** : belonging to or associated with one by birth

**5** : **NATURAL** , **NORMAL**

**6 a** : grown, produced, or originating in a particular place or in the vicinity :

**LOCAL b** : living or growing naturally in a particular region : **INDIGENOUS**

**7** : **SIMPLE** , **UNAFFECTED**

**8 a** : constituting the original substance or source **b** : found in nature especially in an unadulterated form <mining *native* silver>

**9** *chiefly Australian* : having a usually superficial resemblance to a specified English plant or animal

**10** *capitalized* : of, relating to, or being a member of an aboriginal people of North or South America : **NATIVE AMERICAN**

— **na·tive·ly** *adverb*

**— na·tive·ness** *noun*

**synonyms** NATIVE , INDIGENOUS , ENDEMIC , ABORIGINAL mean belonging to a locality. NATIVE implies birth or origin in a place or region and may suggest compatibility with it <*native* tribal customs>. INDIGENOUS applies to species or races and adds to NATIVE the implication of not having been introduced from elsewhere <maize is *indigenous* to America>. ENDEMIC implies being peculiar to a region <edelweiss is *endemic* in the Alps>. ABORIGINAL implies having no known race preceding in occupancy of the region <the *aboriginal* peoples of Australia>.

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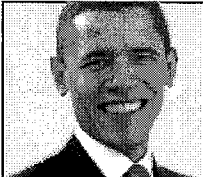
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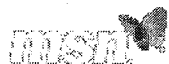


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national wealth

nationalise

nationalism

nationalistic

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### ► native

Native Alaskan

Native American

native bear

native-born

native bush

native cat

Native Central  
American

native frangipani



## native

na·tive [ náytiv ]

adjective

Definition:

1. inborn: existing in or belonging to somebody by nature

- *her native intelligence*

2. born or originating somewhere: born or originating in a particular place

- *native to the Southwest*

3. relating to somebody because of birth: relating or belonging to somebody or something because of the place or circumstances of birth

- *She returned to her native land.*

4. indigenous: originating, produced, growing, or living naturally in a place

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key

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Dictionary

**5. characteristic of local inhabitants:** characteristic of, belonging to, or relating to the indigenous inhabitants of a particular place, particularly those with a traditional culture ( *dated* ) ( *often considered offensive* )

**6. not externally affected:** unaffected by artificial or outside influences

- *the native charm of the local fishing villages*

**7. CHEMICAL ELEMENTS occurring naturally:** found in nature, especially in a pure or unadulterated form

- *native copper*

**8. COMPUT for particular computer system:** designed exclusively for a particular computer operating system

noun ( *plural* na·tives )

**Definition:**

**1. somebody born in particular place:** somebody born or brought up in a particular place

- *a native of Boston*

**2. offensive term:** an offensive term for an original inhabitant of a place belonging to an indigenous nonwhite people with a traditional culture, as distinct from a colonial settler and immigrant ( *dated* )

**3. indigenous plant or animal species:** a plant or animal species that originates from a particular area

adjective

**Definition:**

**COMPUT readable by particular application:** used to describe the format in

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[14th century. Directly or via French *natif* < Latin *nativus* "born" < *nasci* "be born"]

- na·tive·ly *adverb*
- na·tive·ness *noun*

go native to take up the customs and culture of the foreign place where you have settled (*humorous*)

### Word Usage

Avoid use of the lowercase noun and adjective *native* to mean "an indigenous inhabitant of a place" and "relating to the indigenous people of a place," as in *the natives of Guam* and *the native people of Haiti*. Prefer *the indigenous* [or *original* or *aboriginal*] *people of Guam* or *the Haitians*. Capitalized *Native*, totally acceptable, now refers not only to Native North and South Americans but also to indigenous peoples of places such as Hawaii and Alaska, i.e., Native Alaskans, Alaska Natives, and Native Hawaiians.

### Word History

The Latin word *nasci* "to be born," from which *native* is derived, and its past participle *natus* are also the source of English cognate, *impregnate*, *innate*, *naive*, *nascent*, *nation*, *nature*, *noel*, *pregnant*, *puny*, and *renaissance*.

### Word Key: Synonyms

native, aboriginal, indigenous, autochthonous  
CORE MEANING: originating in a particular place

native born or originating in a particular place;

- *the native peoples of Siberia*

- *Native to the region are jaguars, giant anteaters, and caymans.*
- aboriginal existing in a place from the earliest known times;
- *a tiny aboriginal island community*
- indigenous originating in and naturally living, growing, or occurring in a region or country;
- *the indigenous population of the region*
- autochthonous originating where currently found, especially used of rocks and minerals that were formed in their present position, or flora, fauna, or inhabitants descended from those present in a region from earliest times;
- *Hummingbirds are autochthonous and exclusive birds of tropical America.*
  - *autochthonous Miocene claystones*

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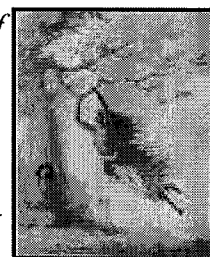
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## Indian Women as Sex Objects



Raymond William Stedman offers a good review of this subject in his book *Shadows of the Indian*. In a chapter titled "La Belle Sauvage," he begins with Sacheen Littlefeather's infamous appearance at the Academy Awards in place of Marlon Brando:

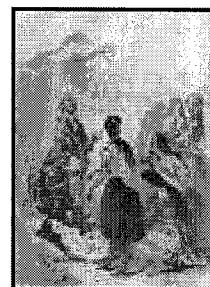


...[C]olumnist Harriet Van Horne was obviously captivated by the "gentle-voiced Apache maiden...who appeared on the stage in tribal dress." Once the furor was over, suggested Van Horne, "people will still remember that lovely Littlefeather, in her shining braids, explaining as best she could why the most honored actor of the year was letting the chalice pass." The columnist's "heart went out to that Apache lass in her long braids." And that, she asserted, was "precisely what Marlon Brando had in mind.

Was that what Brando had in mind? If so, he had selected his propaganda device shrewdly, for it was, simply, that of the lovely and selfless Indian princess, possibly the most enduring image this land has known. Brando's braided messenger was Pocahontas and U-le-lah and Minnehaha and Redwing and Sacagawea and Sonseeahray and Summer-Fall-Winter-Spring and, some would say, the allegorical America. She was the female manifestation of the Noble Savage myth, changed little from the image created centuries earlier, and far more endearing and viable in the twentieth century than her male counterpart, the forest nobleman.

Stedman describes the self-effacing and self-sacrificing Pocahontas as the model of La Belle Sauvage, then details the image's history:

Through the nation's growing years Pocahontas the Nonpareil—intelligent, guileless, lovely, courageous—turned into Pocahontas the Imitated. Not a season went by that some author, or artist, or playwright, or trademark maker did not call upon her image.



Guy-Kirby Letts continues the thread in his essay on the "Indian Princesses and Cowgirls: Stereotypes from the Frontier" exhibit:

As representations changed, the images of First Nations women as Indian princesses who embodied mystery and exoticism began to emerge. During the post World War I era, the Indian princess is repeatedly portrayed alone in the pristine wilderness, scantily clad in a buckskin or tunic dress, sporting a jaunty feather over two long braids. Most striking, however, is that all of the models are notably white-skinned women.

In What's the Real Story on Sacagawea? the Straight Dope lays the problem, er, bare:

[T]he Shoshone (like other North American Indians) had no concept of royalty, as Lewis's journals make clear. The "Indian princess" stereotype turns up a lot in misleading history, and even more in third-rate television and movie westerns. The stock Indian princess saves the white hero from her less enlightened brethren, and is often depicted as being tall, beautiful, and freakishly light-skinned. Think of Sacagawea as portrayed in the 1955 film *The Far Horizons* by

that great Native American actress, Donna Reed.

Stedman quotes a description from the 1963 novel *The Gates of the Mountains* that fits many of the Indian "princesses." Note how the woman must look and act Caucasian to be palatable to the intended audience. By definition, beauty is in the eye of the white, majority beholder.



Sacajawea was not shy, but appealing soft of speech and manner. And she was gracefully feminine beyond any woman I had seen....Her head was not elongated, as so many of the Indians, but rather small and round, Caucasian in shape. So, too, were her features Caucasian.

Sacajawea was not only an uncommonly pretty young girl, she was a regal woman by any standard of any race. No man who ever knew her, was quite the same again.

Grace was hers, and good manners. Intelligence she had, and a quick and lively tongue. Dignity covered her every move. She could look like a queen while gutting an elk....She had no crown but her auburn hair....But Sacajawea was a ruler of men's hearts by God's will.

In short, Pocahontas and company were the female equivalent of the male Indian helpmates: Man Friday, Chingachgook, Tonto. James W. Loewen discusses the role of these "good Indians" in his book *Lies Across America*.

### Sex under the buckskins

One element Stedman doesn't address is La Belle Sauvage's sexual overtones. Western men have always thought of "foreign" or "exotic" women as delectable forbidden fruit. Whether it was nubile black slaves, fiery Latina peasants, or demure Asian geishas, they presumed the servile facade hid a siren of smoldering sexuality.

As Stedman's "ruler of men's hearts" example shows, the Indian princess was little different. Other examples reinforce the point. Malinche, the slave girl who translated the Aztec language for Cortés, became his mistress and bore him a son. In *Dances with Wolves*, Kevin Costner makes a beeline for the comely Indian maiden, who turns out to be a captured white woman. People (including Disney's filmmakers) want to believe Pocahontas had blissful romances with John Smith and John Rolfe.



As in the rest of our culture, we've made the iconic Indian princess more overtly sexual in recent years. She's still with us in old Cher videos, movies like *Road to El Dorado*, and comics like GEN13. And each time she reappears—for instance, in the OutKast outrage—people are likely to protest.

Perhaps because of this, you don't see the image much in the mainstream media anymore. But the more innocent version is still on display. Oddly, you can find it often in mass-market dolls, plates, and other alleged collectors' items. Tourist shops in Indian Country and at kitschy places like Disneyland also carry the retrograde icons.

### Examples of Indian princesses



### If you can't have one, be one

What about non-Indians who claim to be descended from Indian princesses? In an excerpt from *Custer Died for Your Sins: An Indian Manifesto*, Vine Deloria Jr. explains the phenomenon:

During my three years as Executive Director of the National Congress of American Indians it was a rare day when some white didn't visit my office and proudly proclaim that he or she was of Indian descent.

Cherokee was the most popular tribe of their choice and many people placed the Cherokees anywhere from Maine to Washington State. Mohawk, Sioux, and Chippewa were next in popularity. Occasionally, I would be told about some mythical tribe from lower Pennsylvania, Virginia, or Massachusetts which had spawned the white standing before me.

At times I became quite defensive about being a Sioux when these white people had a pedigree that was so much more respectable than mine. But eventually I came to understand their need to identify as partially Indian and did not resent them. I would confirm their wildest stories about their Indian ancestry and would add a few tales of my own hoping that they would be able to accept themselves someday and leave us alone.

Whites claiming Indian blood generally tend to reinforce mythical beliefs about Indians. All but one person I met who claimed Indian blood claimed it on their grandmother's side. I once did a projection backward and discovered that evidently most tribes were entirely female for the first three hundred years of white occupation. No one, it seemed, wanted to claim a male Indian as a forebear.

It doesn't take much insight into racial attitudes to understand the real meaning of the Indian grandmother complex that plagues certain whites. A male ancestor has too much of the aura of the savage warrior, the unknown primitive, the instinctive animal, to make him a respectable member of the family tree. But a young Indian princess? Ah, there was royalty for the taking. Somehow the white was linked with a noble house of gentility and culture if his grandmother was an Indian princess who ran away with an intrepid pioneer. And royalty has always been an unconscious but all-consuming goal of the European immigrant.

The early colonists, accustomed to life under benevolent despots, projected their understanding of the European political structure onto the Indian tribe in trying to explain its political and social structure. European royal houses were closed to ex-convicts and indentured servants, so the colonists made all Indian maidens princesses, then proceeded to climb a social ladder of their own creation. Within the next generation, if the trend continues, a large portion of the American



population will eventually be related to Powhattan.

While a real Indian grandmother is probably the nicest thing that could happen to a child, why is a remote Indian princess grandmother so necessary for many whites? Is it because they are afraid of being classed as foreigners? Do they need some blood tie with the frontier and its dangers in order to experience what it means to be an American? Or is it an attempt to avoid facing the guilt they bear for the treatment of the Indian?

### **Indian princesses in the Stereotype of the Month contest**

"All Native women are hoes"

Nude Navajo model

Indian maiden in PISTOLFIST

A look at LIVING CORPSE #3

Pageant contestant = sexy chief

Aztecs game cover shows scantily-clad woman wielding axes

Indian women are "squaws," sex objects in YouTube videos

eBay auctions Red Indian girl, squaw, Pocahontas costumes

Indian Restaurant waitresses dress like sexy Indian maidens

OMEGA FLIGHT: Sexy young woman becomes a shaman

OUTLAW SQUAW stars generic buxom Indian beauty

"Butterfly dancer" ornaments portray Indians as fairies

Card shows chief admiring Little Miss Sunbeam as Indian

Mattel debuts slender "Princess of the Navajo" Barbie doll

Disney Store sells Pocahontas costume with wig and fringe

Miss USA dresses as scantily-clad chief in faux warbonnet

### **More examples of Indian princesses**

Dawnstar from the Legion of Super-Heroes

Sexy Indian Halloween costume from an eBay auction

Sexy Indian Halloween costume from an eBay auction

Sexy Indian Halloween costume from an eBay auction

Enola the shaman (Elena Finney) from *Charmed*

Faux Indian maidens on OutKast's Grammy performance

Faux Indian maidens on OutKast's Grammy performance

Indian babe with wolf from WILDE KNIGHT

Janet Pete (Alex Rice) in *Coyote Waits*

Indian Girl from 3 Wishes Lingerie

Sexy Indian from 3 Wishes Lingerie

Pocahontas from 3 Wishes Lingerie

Suede and Feathers from 3 Wishes Lingerie

Sexy Chief from 3 Wishes Lingerie

Naughty Navajo from 3 Wishes Lingerie

Alope (Anita Brown) from *The Lone Ranger*

Warrior Nations Amazons

Kyla (Tamara Feldman) on *Smallville*

Janet Pete (Alex Rice) in *Skinwalkers*

The First American Dinner Party

Ice skater Krylova dances "Last of the Mohicans"

Spirit of the Earth Barbie Doll

Taran from PETER PARKER: SPIDER-MAN 2001

Gen13's Rainmaker (another view)

[Woman playing Tiger Lily in \*Peter Pan\*](#)  
["River of Dreams" painting](#)  
[Loving Heart doll](#)  
[Morning Bird doll](#)  
[Native American princess costume](#)  
[TOMAHAWK #137](#)  
[Land O' Lakes butter maiden](#)  
[Topless Indian maiden—probably from a WW II warplane](#)  
[Fruit Gum ad](#)

### More on Indian princesses and sex objects

[Nude Navajo model](#)  
[Criticism of "Savage Love"](#)  
[Monkman's central figure](#)  
[The Redskin magazine controversy](#)  
[Land O' Lakes poem](#)  
[Masturbatory fantasies](#)  
[The first Indian princess?](#)  
[The Rez Dog calendar: role models or sex objects?](#)  
[Tiger Lily in \*Peter Pan\*: an allegory of Anglo-Indian relations](#)  
[Pocahontas bastardizes real people](#)  
[Pocahontas II: flawed again](#)  
[The facts on Sacagawea](#)

### Related links

[Tonto and the "good Indian"](#)  
["Marriage or bust" for Disney's women](#)  
[Squelching the s-word](#)

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### \* More opinions \*

Newspaper Rock	Join our Native/pop culture blog and comment
Indian Comics Irregular	Sign up to receive our <i>FREE</i> newsletter via e-mail
Stereotype of the Month contest	See the latest Native American stereotypes in the media
News from a Multicultural Perspective	Political and social developments ripped from the headlines

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□

# Exhibit 33

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**Cherokee Indian Genealogy**

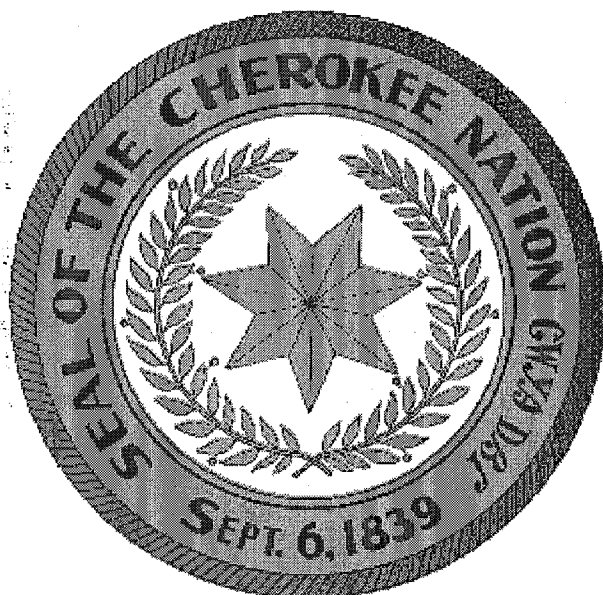
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Ads t



## The Cherokee Nation

The Cherokees called themselves the Ani-Yun' wiya meaning leading or principal people. The original Cherokees lived early times in Georgia, Alabama, North and South Carolina, Tennessee, Kentucky and West Virginia.

The Cherokee seal (above) was designed to embrace the early government structure, and the eternal endurance of the Cherokee Indians. It was adopted by Act of the Cherokee National Council, and approved in 1871. The seven-pointed star symbolizes: (1). the seven age old clans of the Cherokee: (2). the seven characters of Sequoyah's syllabary, meaning "Cherokee Nation." (The Cherokee characters are phonetically pronounced "Tsa-la-gi-hi A-yi-li") .. The wreath of oak leaves symbolizes the sacred fire which, from time immemorial, the Cherokees kept burning in their land. Oak was the wood traditionally burned, different species of oak having ever been indigenous to Cherokee country, both in North Carolina and Georgia as well as in the Indian Territory to which the Cherokees removed in the early 1800's...The margin wording proclaims the authority of the seal in both the English and the Cherokee languages, and records the date (1839) of the adoption of the Constitution of the Cherokee Nation West...This seal was imprinted on all documents until the dissolution of the Cherokee Nation at Oklahoma Statehood.

References: Muriel H. Wright, "Seal of The Cherokee Nation." *The Chronicles of Oklahoma*, Volume XXXIV (Summer, 1956): original painting by Guy C. Reid.

- [Travelers Guide](#)
- [Important Dates in Cherokee History](#)
- [Cherokee National Historical Society](#)
- [Cherokee Cultural Society](#)

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# Exhibit 34

www.CherokeeXXX.com



**CherokeeXXX**

Hi guys! Welcome to my official home in cyberspace. This site is run entirely by me. That's right, no more webmasters. I'm the boss now! You have seen me on The Playboy Channel, The Spice Channel, HBO, Showtime, & Cinemax or maybe in one of the 400 adult films I have starred in. Well, don't keep me waiting *cum inside!*

*Cherokee*

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Curvacious

Gorgeous

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# Exhibit 35

# - NURGLE'S PORNSTARS PRESENTS -

Cherokee

## Nurgles Favorite Paysites



Simply Anetta Keys



Simply Crissy Moran



Simply Silvia Saint



Simply Veronika Zemanova

## A-Z Nurgle's Pornstars

Abbey Brooks  
 Adajja  
 Adara Michaels  
 Adele Stephens  
 Adriana Sage  
 Aimee Sweet  
 Aimee Tyler  
 Alana Evans  
 Alaura Eden  
 Alektra Blue  
 Alex Arden  
 Alexa Lauren  
 Alexa May  
 Alexa Rae  
 Alexis Amore  
 Alexis Malone  
 Alexis King  
 Alexis Winston  
 Alisha Klass  
 Alley Baggett  
 Allysin Chaynes  
 Alyssa Lovelace  
 Amanda Lexx  
 Amber Easton  
 Amber Evans  
 Amber Lynn Bach  
 Amber Michaels  
 Amber Rain  
 Amber Smith  
 Ambra Tomassi  
 Amy Easton  
 Amy Reid  
 Amy Sue Cooper  
 Ander Paige  
 Andrea Torres  
 Anetta Keys  
 Anette Dawn  
 Angel Cassidy  
 Angel Dark

## Cherokee Biography

Height : 4'11"  
 Hair : Brunette  
 Measurements : 36C-24-36  
 Birth Place : Kentucky, USA  
 Date of Birth : November 11, 1977

## Cherokee Thumbnail Galleries

Cherokee Gets [REDACTED] Split By [REDACTED]  
 Cherokee Strips Off Her Sexy Shorts  
 Cherokee Sunbathing By The Pool  
 Cherokee Posing On A Tennis Court  
 Cherokee Bends Over By The Pool  
 Cherokee In Sexy Lingerie Teaseing You  
 Cherokee Naughty Indian Princess  
 Cherokee [REDACTED] On Some Man Meat  
 Cherokee Fingers Her Pink [REDACTED]  
 Cherokee In Her Tight Daisy Dukes  
 Horny Latina Babe Gets Naked And Spreads Outside  
 Cherokee Tight Perfect Little Body  
 Cherokee Naughty Bath With Catalina Cruz  
 Busty Babe Shows Off Her Round [REDACTED]  
 Exotic Brunette Babe With Big [REDACTED]

More Cherokee Links

**Cherokee at EroticBase**  
**Cherokee at Girls [REDACTED] Hard**  
**Cherokee at Thumbgirls**  
**Cherokee at Only Stars**  
**Babe Collector presents Cherokee**  
**VIP Beauties Presents Cherokee**  
**Celebrity Inferno Presents Cherokee**  
**Cherokee at Handpicked Pornstars**

Angel Long
Angel Veil
Angelina Croft
Angelina Crow
Angie Savage
Anita Arden
Anita Blonde
Anita Dark
Ann Marie
Ann Poll
Anna Belle
Anna Nova
Anna Swisskov
April Arikssen
April Summers
Aria Giovanni
Ariana Jolee
Ariel Star
Ashley Blue
Ashley Evans
Ashley Long
Ashley Robbins
Ashton Moore
Asia Carrera
Athena Lundberg
Audrey Bitoni
Aurora Snow
Austin Kincaid
Autumn Austin
Ava Vincent
Avena Lee
Avy Lee Roth
Avy Scott
Barbara Moore
Barbie Belle
Barbie Griffin
Belladonna
Bobbi Barrington
Bobbi Billard
Bobbi Eden
Bobby Kilmer
Bonita Saint
Boo Dilicious
Brandy Smith
Brandy Taylor
Brea Bennett
Briana Banks
Brianna Blaze
Bridgette Kerkove
Britney Luv
Brittany Andrews
Brittany Stone
Brittney Skye
Brittney Wells
Brooke Milano
Bunny Luv
Cailey Taylor
Cali Xavier

Calli Cox
Candice Calista
Candice Cardinelle
Candy Manson
Carli Banks
Carly Moore
Carmella DeCesare
Carmen Luvana
Carol Crow
Caroline Cage
Cassandra Lynn
Cassia Riley
Cassidey Rae
Cassie Courtland
Cassie Young
Catalina Cruz
Celeste Star
Channone
Charlie Laine
Charmane Star
Chasey Lain
Cherokee
Cherry Rain
Cheyenne Silver
Chloe Anderson
Chloe Dior
Chloe Jones
Chloe Sweet
Chrissy Paris
Chrissy Sparks
Chrissy Taylor
Christel Starr
Christi Shake
Christina Bella
Christina Blond
Christy Canyon
Cindy Crawford
Classic Pornstars
Claudia Atkins
Claudia Chase
Codi Milo
Cody Lane
Cory Lane
Courtney Culkin
Courtney Cummz
Courtney Simpson
Crissy Moran
Cristal Quan
Crystal Klein
Cynthia Paul
Cytharea
Daisy Dukes
Dakota Kelly
Dakota Rae Patrick
Dalene Kurtis
Dana Vespoli
Dani Woodward
Daniella Rush

Danni Ashe  
Dasha  
Dayton Rains  
Deanna Brooks  
Dee  
Devin Lane  
Devon  
Dita von Teese  
Donita Dunes  
Dora Venter  
Dorothy Black  
Dru Berrymore  
Dyanna Lauren  
Elke Jeinsen  
Ellen Saint  
Elly Jaine  
Emily DaVinci  
Erica Campbell  
Erica Moore  
Erin Nicole  
Eva Angelina  
Eva Crawford  
Eve Angel  
Evelyn Lory  
Felix Vicious  
Flick Shagwell  
Flower Tucci  
Francine Dee  
Gabriella Williams  
Gauge  
Gianna Michaels  
Gina Lynn  
Gina Ryder  
Ginger Lee  
Ginger Lynn  
Hannah Harper  
Hannah Hilton  
Haven  
Helena Hemanova  
Holly Morgan  
India  
Isabella Camille  
Jade Hsu  
Jade Marcela  
Jaime Hammer  
Jamie Elle  
Jamie Huxley  
Jamie Lynn  
Jana Cova  
Jana Mrazkova  
Jane Darling  
Janine Lindemulder  
Jasmin St. Claire  
Jasmine Lynn  
Jasmine Rouge  
Jeanie Rivers  
Jelena Jensen  
Jena Kay Ricci

Jenaveve Jolie
Jenna Davis
Jenna Fine
Jenna Haze
Jenna Jameson
Jennifer Avalon
Jennifer Emerson
Jennifer Reed
Jennifer Stone
Jennifer Walcott
Jenny Poussin
Jenny Sanders
Jenteal
Jersey Jaxin
Jesse Capelli
Jesse V
Jessi Summers
Jessica Darling
Jessica Drake
Jessica Jaymes
Jessica May
Jewel de Nyle
Jezaree Robs
Jezebel Bond
Jill Kelly
Joanne Guest
Jodie Moore
Joey Hart
Jordan Maze
Jordan West
Josie Lynn
JR Carrington
Judith Fox
Judith Nemyo
Judy Star
Judy Suns
Juki Lee
Julia Ann
Julia Bond
Julia Garvey
Julia Hayes
Julia Malova
Julie Meadows
Kara Monaco
Kari Gold
Karina Kay
Karrie Jacobs
Katalin Kiraly
Katalina Verdin
Kate Frost
Katja Kassin
Katsumi
Kaylani
Kaylee
Kelle Marie
Kelli Passion
Kelli Tyler
Kelly Havel

Kelly Kline
Kelly Madison
Kelly Wells
Kelsey Heart
Kendra Jade
Kianna
Kim Chambers
Kimberley Rogers
Kimberly Holland
Kira Eggers
Kira Kener
Kitana Baker
Kitana Jade
Kobe Tai
Krystal Steal
Kyla Cole
Kyli Ryan
Kylie Fox
Kylie Ireland
Kylie Wild
Lacey Duvalle
Lacie Heart
Lana Lotts
Lanni Barbie
Laura Lion
Lauren Phoenix
Lea De Mae
Lexi Marie
Lexus Locklear
Lexy West
Liliane Tiger
Lily Thai
Lindy Fox
Lisa Belle
Lisa Daniels
Lisa Lee
Liz Honey
Liz Vicious
Lonnie Waters
Lora Black
Lorena Sanchez
Lori Anderson
Lorissa McComas
Lucia Tovar
Lucy Lee
Luna Lane
Lux Cassidy
Lydia Schone
Lynn Thomas
Mackenzie Mack
Macy Sky
Maliyah Madison
Mandi Rose
Marketa Brymova
Mary Carey
Mason Marconi
McKenzie Lee
Megan Mason

Melissa Lauren
Melissa Milano
Meriah Nelson
Mia Bangg
Mia Rose
Mia Stone
Michelle B
Michelle Maylene
Michelle Thorne
Mika Tan
Miko Lee
Mili Jay
Milly Moris
Mina May
Mindy Vega
Missy Monroe
Misty Rain
Monica Hajkova
Monica Leigh
Monica Mayhem
Monica Miller
Monica Moore
Monica Sweetheart
Monika Sweet
Monique Alexander
Monique Dane
Mya Diamond
Nadia Styles
Nakita Kash
Nanna Gibson
Natalia Cruze
Natasha Nicholas
Naudia Nyce
Nautica Thorn
Neriah Davis
Nici Sterling
Nicole Marciano
Nicole Sheridan
Niki Blond
Nikita Denise
Nikki Benz
Nikki Dial
Nikki Nova
Nikki Tyler
Nina Dolci
Nina Ferrari
Nina Mercedes
Nyomi Arman
Obsession
Orchidea Kersesztes
Paige Summers
Pandora Peaks
Pantera
Paris Dahl
Pavla Kroupova
Penny Flame
Petra Verkaik
Playboy Cybergirls



Playboy Playmates  
Priya Rai  
Puma Swede  
Rachel Aziani  
Rachel Travers  
Racquel Darrian  
Raven Riley  
Raylene Richards  
Rayveness  
Rebeca White  
Rebecca Lord  
Regina Hall  
Renata Daninsky  
Rene LaRue  
Renee Perez  
Riley Mason  
Rita Faltoyano  
Rochelle West  
Rocki Roads  
Roxanne Hill  
Roxy Carter  
Roxy Deville  
Roxy Jezel  
Sabrina Snow  
Sabrine Maui  
Samantha Ryan  
Samantha Stiles  
Sammie Rhodes  
Sammy Stone  
Sandra Shine  
Sanja Angie  
Sara St James  
Sara Stone  
Sarah Blake  
Sasha Grey  
Sativa Rose  
Shannon Kelly  
Shay Laren  
Shay Sweet  
Shayla Summers  
Shelby Belle  
Shelly de Palma  
Shy Love  
Shyla Foxx  
Shyla Stylez  
Silvia Saint  
Silvie Thomas  
Simony Diamond  
Sky Lopez  
Skylar Knight  
Sondra Hall  
Sonja Adams  
Sophia Lucci  
Sophia Rossi  
Sophie Evans  
Sophie Paris  
Sophie Sweet  
Stacy Silver

Stacy Valentine  
Stefani Morgan  
Stephanie Heinrich  
Stephanie Swift  
Stevie Jean  
Stormy Daniels  
Sue Diamond  
Summer Cummings  
Summer Leigh  
Sunny Lane  
Sunny Leone  
Sunrise Adams  
Susana Spears  
Suzanne Stokes  
Suzette Spencer  
Swan  
Sydnee Steele  
Sydney Moon  
Sylvia Panda  
Szilvia Lauren  
Tabitha Stern  
Tabitha Stevens  
Tall Goddess  
Tamera Witmer  
Tanya Danielle  
Tanya James  
Taryn Thomas  
Tawny Roberts  
Taylor Ann  
Taylor Morgan  
Taylor Rain  
Taylor St. Claire  
Teagan Presley  
Teanna Kai  
Tera Bond  
Tera Patrick  
Teri Harrison  
Teri Weigel  
Terri Summers  
Texas Presley  
Tia Tanaka  
Tianna Lynn  
Tiffany Diamond  
Tiffany Fallon  
Tiffany Holiday  
Tiffany Lang  
Tiffany Minx  
Tiffany Rayne  
Tiffany Towers  
Tommi Rose  
Tory Lane  
Trisha Adams  
Trisha Uptown  
Tyrene Buck  
Tyler Faith  
Tyra Banxxx  
Valentina Vaughn  
Vanessa Lane

Vega Vixen
Velocity Von
Venus
Veronica Carso
Veronica Vanoza
Veronica Zemanova
Vicky Vette
Victoria Evans
Victoria Red
Victoria Swinger
Victoria Zdrok
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Zoe Britton
Zoe Zeman

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# Exhibit 36



Courtesy of Hustler

## Cherokee

Date of Birth: 1/12/1982 (26 years old)

Starting Year: 2002 (approximately 20 years old)

Home: Kentucky, USA

Measurements: 36C-24-34

Height: 4'11

Eye Color: Brown

Hair Color: Black

Ethnic Origin: Caucasian, Native American

Title	Cover	Gallery	Studio	Director	Category	Length	Year
<b>100%  jobs 24</b>			Jill Kelly	Jill Kelly	Oral		2004
<b>100%  jobs 33</b>			Jill Kelly	Jill Kelly	Compilation   Oral		2005
<b>100%  jobs 35</b>			Jill Kelly	Jill Kelly	Compilation   Oral		2005
<b>2 Million Dollar </b>			Cherry Boxxx	Rick Davis	Gonzo	120	2004
<b>3-Way Divas</b>			Adam and Eve	SE Wing	Threesomes	132	2006
<b>4 &amp; 20 Black Birds</b>			Vivid		Compilation   Ebony	240	2003
<b>7 Deadly Sins</b>			Nectar Entertainment	Damien Rossi	Vignettes		2005
<b>Ace In the Hole</b>			Vivid		Compilation	240	2004
<b>Adore</b>		★	Vivid	David Stanley	Feature		2004
<b>Adventures of Be the Mask</b>			Metro	Hank Mulholland	Gonzo	110	2003
<b>AfroCentrix 16 - Behind the Black Door</b>			Video Team		Anal   Compilation   Ebony	240	1999
<b>Alexis on Fire</b>			Jill Kelly	Skye Blue	Feature	87	2003
<b>All Star Big Butts</b>			Vivid		Compilation		2004
<b>All That - Black Women's Fantasies</b>			Video Team		Ebony	75	
<b>Anal Climax 4</b>			Rosebud	Rex Borsky	Anal	74	2003
<b>And The Envelope Please - Mercedes</b>			Vivid		Compilation		2005
<b>And the Envelope Please - Savanna</b>			Vivid		Compilation		2005
<b>And The Envelope Please - Sunrise Adams</b>			Vivid		Compilation		2005
<b>Apprentices XXX</b>			Temptation Entertainment	Jerry Dawson	Feature		2004
<b>Aria's Sexxx Training Camp</b>			Spice Studios		Vignettes		2004
<b> turbators 3</b>			Taylor Wane	Taylor Wane	Anal   Masturbation		2006
<b>ATM -  Thrusting Machine</b>			Vivid		Anal   Compilation	240	2004
<b>Audition</b>			Vivid	Ralph Parfait	Feature	71	1996

<b>🍑 Fest</b>			Video Team	Van Styles	Anal	120	2003
<b>Babes Illustrated 13</b>			Cal Vista	James Avalon	Lesbian	90	2004
<b>Backseat Bangers 2</b>			Pink Visual		All Sex	150	2005
<b>Bad Kitty</b>		★	Vivid	David Stanley	Feature		2004
<b>Banned! Kinky Edition</b>			Vivid		Compilation		2004
<b>Banned! Lesbian Edition</b>			Vivid		4 hour   Compilation   Lesbian	240	2004
<b>Banned! Oral Edition</b>			Vivid		Compilation		2004
<b>Banned! Orgy Edition</b>			Vivid		Compilation   Orgy		2004
<b>Bare Naked</b>		★	Vivid	Bo Edwards	Feature	86	2005
<b>Barely Bare</b>			Vivid		Compilation	240	2005
<b>Beggin' For Bangin'</b>			Vivid		Compilation	240	2003
<b>Behind the Mask</b>		★	Adam and Eve	Nicholas Steele	Feature	90	2003
<b>Bellisima</b>		★	Vivid	Chi Chi LaRue	Feature	109	2004
<b>Best 🍑 Job On The Planet</b>			Vivid		Compilation	240	2005
<b>Best Deep Throat on the Planet</b>			Vivid		Compilation	240	2005
<b>Best Doggy on the Planet</b>			Vivid		Compilation	240	2005
<b>Best of Cherokee</b>			Jill Kelly		Compilation		
<b>Best Rimming on the Planet</b>			Vivid		Compilation	240	2005
<b>Big and Bouncy</b>			Loaded Digital	Astrux	Busty		2005
<b>Big Booty Revenge 3</b>			Evil Angel	Justin Slayer	Big Asses	237	2007
<b>Bill &amp; Stace</b>			Jill Kelly	Toni English	Feature		
<b>Bitches in Heat</b>		★	Hustler	Mr. Pete	Lesbian	115	2005
<b>Black Cheerleader Search 3</b>			Devil's Films		Ebony	110	2002
<b>Black Hose Bag</b>			Rosebud		Anal	75	
<b>Black 🍑man Auditions 1</b>			Snatch		Ebony	77	
<b>Black Street Hookers 22</b>			Devil's Films		Ebony	131	1998
<b>Black Video Virgins 1</b>			New Sensations			107	
<b>Blow Me Sandwich 3</b>			Zero Tolerance	Greg Alves	Oral	121	2003
<b>Blow Pop</b>			1st Strike	Richard De Monfort	Oral	116	2005
<b>Booty Sister 2</b>			Rosebud		Anal	75	
<b>Bubblegum Balls</b>			Vivid		Compilation	240	2005
<b>Bum Rush</b>			Vivid		Compilation	240	2003
<b>Bush Hunter 2</b>			Sinteractive	Mario Rossi	Gonzo   Interracial	150	2005
<b>Busty Beauties 6</b>			Hustler	Mark Kismet	Busty	98	2003

<b>Camp Cuddly Pines Power Tool Massacre</b>			Wicked	Jonathan Morgan	Feature   Parody	151	2005
<b>Chambers of Whores</b>			Vivid		Compilation	240	2005
<b>Cherokee's Stripper Academy</b>			Cherry Boxxx		Feature	120	2004
<b>Chocolate Swerve</b>			Snatch		Ebony		1999
<b>Chronicles of Nectar</b>			Nectar Entertainment	Marty Zion	All Sex	120	2006
<b>Closer</b>			Wicked	Brad Armstrong	Feature		2005
<b>Coming On Set</b>		✱	Vivid	Chi Chi LaRue	Feature		2005
<b>Count Spermula</b>			Vivid		Compilation	240	2005
<b>Don My Latin Tongue and Shy's</b>			Madness Pictures	Shy Love	Latin		
<b>Don Stains 2</b>			Zero Tolerance		Compilation	118	2003
<b>Don Stains 5</b>			Zero Tolerance		Gonzo		2004
<b>Cytherea's All-Girl Parade</b>			Baby Doll Pictures		Lesbian	120	2006
<b>D's Please</b>			Vivid		Compilation	240	2004
<b>Dark Intent</b>			Jill Kelly	Cash Markman	Feature		
<b>Dark Side of Briana</b>		✱	Vivid	Chi Chi LaRue	Feature		2004
<b>Deep Throat This 15</b>			Northstar		Oral		2003
<b>Deviant Housewives</b>			Cal Vista	Anton Slayer	Vignettes		
<b>Doggie Twister</b>			Vivid		Compilation	240	2005
<b>Domination Nation 1</b>			Vivid		Feature	83	1998
<b>Domination Nation 2</b>			Vivid			83	
<b>Double D Babes 4</b>			Loaded Digital		Busty		2007
<b>Double Decker Sandwich 4</b>			Zero Tolerance	Sammy Sixx	Gonzo		2004
<b>Double Team Dream</b>			Jill Kelly	Jill Kelly	Feature		2005
<b>Editor's Choice - Chasey Lain</b>			Vivid		Compilation		2005
<b>Editor's Choice - Cheyenne</b>			Vivid		Compilation		2005
<b>ErocktaVision 2 - Westcoast Women</b>			Erocktvision	Dana Dane	Lesbian	99	2004
<b>Essence</b>			SOHO		Feature	75	
<b>Extreme Behavior 5</b>		✱	Adam and Eve	Toni English	Feature	82	2005
<b>Face Time with Sunrise</b>			Vivid		Compilation	240	2005
<b>Fast Forward</b>			Wicked	Jonathan Morgan	Feature	86	2002
<b>Fatt Entertainment Digital Magazine 9</b>			Fatt Entertainment	J. Bleazy	All Sex		2005
<b>Federal Breast Inspectors</b>			Hustler	Caesar Bonobo	Feature	93	2005
<b>Flawless</b>		✱	Vivid	Chi Chi LaRue	Feature	130	2007

<b>Flesh Outa' Compton</b>	TV		Vivid		Compilation	240	2004
<b>Fluff and Fold</b>	TV		Wicked	Brad Armstrong	Feature		2004
<b>Forever Hung</b>	TV		Vivid		Compilation	240	2005
<b>Fox Hole</b>	TV		Cherry Boxxx		Gonzo		2007
<b>Freaks, Whoes &amp; Flows 22</b>			Jake Steed		Ebony		2001
<b>Frosted</b>	TV	✱	Vivid	David Stanley	Feature	80	2004
<b>Full Service [REDACTED]</b>	TV		Hustler	Dan Silver	Gonzo	89	2005
<b>Ga Ga For Gazongas</b>	TV		Vivid		Compilation	240	2003
<b>Gag Order</b>	TV		Vivid		Compilation	240	2005
<b>Gimme Some Brains!</b>	TV		Vivid		Compilation	240	2005
<b>Girl of the Month - Christy Canyon</b>	TV		Vivid		Compilation		2006
<b>Girl of the Month - Mercedes</b>	TV		Vivid		Compilation		2006
<b>Girl on Girl Crush - Lipstick Lovers</b>	TV		Hustler	Wit Maverick	Lesbian	110	2005
<b>Group Sex 3 - Let's Party!</b>	TV		Adam and Eve		Compilation	233	2004
<b>[REDACTED] Job Hunnies 9</b>	TV		Toxxxie	Michael Adam	All Sex		2005
<b>[REDACTED] Jobs - Collectors Edition 2</b>	TV		Wildlife	Bobby Rinaldi	Vignettes		2007
<b>Head For the Exit</b>	TV		Vivid		Compilation	240	2005
<b>Heeeere's Sunrise!</b>	TV		Vivid		Compilation		2004
<b>Hit Me With Your Black [REDACTED]</b>	TV		Ethnicity Films		Interracial	200	2007
<b>Hole-a-Holic</b>	TV		Vivid		Compilation	240	2004
<b>Home Schooled 5</b>	TV		Fusxion	Brittney Foster	Lesbian		2005
<b>Hook-Ups 11</b>	TV		Wicked	Mark Stone	All Sex		2006
<b>Hustler's Greatest Tits 2</b>	TV	✱	Hustler	Mark Kismet	Busty   Compilation	137	2003
<b>Hustler's Taboo 6</b>	TV		Hustler	Andrea Di Angelo	Fetish	95	2005
<b>I Can't Believe I'm Doing This</b>	TV		Backend Films		Young		2007
<b>I Dream of Jenna 2</b>	TV		Club Jenna	Justin Sterling	Feature	150	2007
<b>I Like Big [REDACTED]</b>	TV		Cherry Boxxx		Busty	120	2006
<b>I'm Into Kinky Sex</b>	TV		Vivid		Compilation		2004
<b>I'm Into Orgies</b>	TV		Vivid		Compilation		2004
<b>If the Balls Fit, Suck 'Em!</b>	TV		Vivid		Compilation	240	2004
<b>It Girls</b>	TV		Jill Kelly	Jill Kelly	All Sex		2005
<b>Jack's Playground 7</b>	TV	✱	Digital Playground	Robby D	Gonzo	100	2004
<b>Janine Loves Jenna</b>	TV		Club Jenna	Justin Sterling	Feature		2007
<b>Jenna's Favorite Fantasies</b>	TV		Jill Kelly	Jill Kelly	Lesbian		2005
<b>Jenna's Harem</b>	TV		Jill Kelly	Cash Markman	Lesbian		



<b>Jewel De'Nyle's Babes in Pornland - Foot Fetish Babes</b>			Puritan	Jewel De'Nyle	Fetish	114	2002
<b>JKP Girls off the Hook</b>			Jill Kelly		Feature		
<b>JKP Sex Camp</b>			Jill Kelly		Feature		
<b>Joined at the Hip</b>		★	Vivid	Hank Hoffman	Feature		2006
<b>Julian  Them All</b>			Digital Sin		All Sex	220	2007
<b>Just Like That</b>			Wicked	David Stanley	Feature		2005
<b>Latin Amore</b>			Jill Kelly	Bud Lee	Latin		
<b>Latin Amore 2</b>			Jill Kelly	Corey Jordan	Latin	86	2003
<b>Latina Lovers 2</b>			Ethnicity Films	Bridgette Kerkove	Latin		2005
<b>Lay Me Down</b>		★	Vivid	David Stanley	Feature		2004
<b>Lez Talk, More Action</b>			Vivid		Compilation	240	2004
<b>Lickalicious 2</b>			Baby Doll Pictures		Lesbian		2006
<b>Lil Jon's Vivid Vegas Party</b>		★	Vivid		All Sex		2005
<b>Little Lace Panties 5</b>			New Sensations	Andre Madness	Fetish	92	2002
<b>Love Those Curves</b>			Jill Kelly	Jill Kelly	All Sex		2005
<b>Loveless</b>		★	Vivid	David Stanley	Feature		2004
<b>Mobster's Ball</b>			Wicked	Brad Armstrong	Feature		2006
<b>Monica Mayhem's Dirty Fantasies</b>			Cherry Boxxx	Rick Davis	Gonzo	120	2004
<b>Munch 2</b>			Adam and Eve		Compilation	128	2005
<b>My Baby Got Back 8</b>			Video Team		Anal	110	2002
<b>My Baby Got Back 9</b>			Video Team			111	1996
<b>Naughty College School Girls 26</b>			New Sensations	Andre Madness	Young	78	2002
<b>Naughty Office 2</b>			Naughty America	Brett Brando	All Sex		2005
<b>New Royals - Sunrise Adams</b>			Vivid		Compilation		2005
<b>North Pole 33</b>			New Sensations	Peter North	Young		2002
<b>Office  Jobs</b>			Vivid		Compilation	240	2005
<b>Perfect Kiss</b>		★	Vivid	David Stanley	Feature		2005
<b>Phat  2</b>			Fusion	Pat Myne	Gonzo		
<b>Pink Slip</b>		★	Vivid	Chi Chi LaRue	Feature		2004
<b>Pink Sunrise</b>			Vivid		Compilation	240	2005
<b>Porn Star Station 3</b>			Cal Vista	Norman Bentley	All Sex		2005
<b>Press the Flesh</b>			Vivid		Compilation	240	2005
<b>Pretty Little  Slaves</b>			VCA	Rick Davis	Gonzo		2005
<b>Pros 3</b>			DVSX	Guy Capo	All Sex		2005

<b>to</b>			Hustler		Lesbian	168	2006
<b>Queen of the Damned</b>			Baby Doll Pictures		All Sex		2007
<b>Ramifications</b>			Vivid		Compilation	240	2004
<b>Rapture in Blue</b>			Wicked	David Stanley	Feature		2006
<b>Ride 'Em Girl Cow!</b>			Vivid		Compilation	240	2005
<b>Round She Goes</b>		✱	Vivid	David Stanley	Feature		2003
<b>Satisfaction Guaranteed - Chloe Jones</b>			Vivid		Compilation		2004
<b>Scorpio Rising</b>		✱	Vivid	Paul Thomas	Feature		2005
<b>Screaming Orgasms 13</b>			New Sensations		Masturbation		
<b>Secret Suburban Sex Parties</b>		✱	Adam and Eve	Nick Orleans	Feature	105	2003
<b>Shut Up And Stick Your In My</b>			Vivid		Compilation	240	2005
<b>Skin Trade</b>		✱	Vivid	Chi Chi LaRue	Feature		2004
<b>Slut of Sluts</b>			Jill Kelly	Corey Jordan	Feature	86	2003
<b>Smother Sisters</b>			Vivid		Compilation	240	2005
<b>So Nice So Naughty</b>			Jill Kelly	Skye Blue	Feature		
<b>Sorority Sex Kittens - Kappa Kappa Sex</b>			VCA	Rick Davis	All Sex   Young	114	2006
<b>Spending the Night With Dasha</b>			Vivid		Compilation		2004
<b>Spending The Night With Sunrise</b>			Vivid		Compilation		2004
<b>Steer From the Rear</b>			Vivid		Compilation	240	2004
<b>Stiletto</b>			Penthouse	Randy Spears	All Sex   Fetish	90	2007
<b>Stone Cold Evan</b>			Vivid		Compilation	219	2004
<b>Streetwise Sunrise</b>			Vivid		Compilation	240	2005
<b>Sunrise Adams - Before &amp; After</b>			Vivid		Compilation	240	2004
<b>Sunrise's Most Amazing Jobs</b>			Vivid		Compilation	240	2005
<b>Sweet Cheeks 3</b>			Anabolic		Anal	140	2002
<b>Tailz From Da Hood 5</b>			Avica	Ian Daniels	Interracial	70	1996
<b>Teen Dreams 1</b>			New Sensations	Tyrone Shuz	Young	107	2002
<b>Testy, Testy, Testi</b>			Vivid		Compilation	240	2004
<b>The Axis of Anal</b>			Vivid		Anal   Compilation	240	2003
<b>The Francesca Le' Flesh Fest 2</b>			Le Wood Productions	Francesca Le'	Gonzo	120	
<b>The Incredible Sunrise</b>			Vivid		Compilation		2005
<b>The Real Dasha</b>			Vivid		Compilation		2004
<b>This is the Girl</b>		✱	Vivid	David Stanley	Feature	75	2004
<b>Bang Bang</b>				Richard De			

		1st Strike	Monfort	Busty		2005
<b>To Bed At Sunrise</b>		Vivid		Compilation	240	2005
<b>Tongue Got Your Cat</b>		Vivid		4 hour   Compilation   Oral	240	2004
<b>Toy Stuffers</b>		Adam and Eve		Compilation	150	2004
<b>Toys, Not Boys</b>		Vivid		Compilation	240	2004
<b>Tyler Loves Boys</b>		Jill Kelly	Skye Blue	Feature	82	2003
<b>Unbelievable Sex 3</b>		Jill Kelly	Corey Jordan	Feature		
<b>Under Contract - Sunrise Adams</b>		Vivid		Compilation		2003
<b>Unshaved Melody</b>		Vivid		Compilation	240	2004
<b>Up and Cummers 28</b>		Randy West	Randy West	Amateur	120	1998
<b>Vaggie Burger</b>		Vivid		Compilation	240	2005
<b>Valley 911</b>		Wicked	Jonathan Morgan	Feature		2004
<b>Valley Girls 2</b>		Madness Pictures	Andre Madness	All Sex		
<b>Video Adventures of Peeping Tom 2</b>		Odyssey		Gonzo	110	1998
<b>Vivid Girl - Kira</b>		Vivid		Compilation		2004
<b>Vivid Raw 1</b>		Vivid			80	
<b>Vivid Superstars - Briana</b>		Vivid		Compilation		2005
<b>Vivid Superstars - Devon</b>		Vivid		Compilation		2004
<b>Vivid Superstars - Janine</b>		Vivid		Compilation		2004
<b>Vivid Superstars - Lori</b>		Vivid		Compilation		2005
<b>Vivid's Hall of Fame - Lori Michaels</b>		Vivid		Compilation		2005
<b>Vivid's Hall of Fame - Mercedes</b>		Vivid		Compilation		2005
<b>Vivid's Hall of Fame - Sunrise Adams</b>		Vivid		Compilation		2005
<b>Waitin' for the Man</b>		Video Team			90	
<b>Welcome Waggin'</b>		Vivid		Compilation	240	2004
<b>When the Boyz Are Away The Girlz Will Play 13</b>		Jill Kelly	Skye Blue	Lesbian		
<b>Whitey's on the Moon</b>		Rosebud			77	
<b>Wicked Auditions 2</b>		Wicked	Jonathan Morgan	All Sex		2002
<b>Wicked Sex Party 7</b>		Wicked	Brad Armstrong	All Sex		2004
<b>Wishful Thoughts</b>		Pleasure	Nie Cramer	Feature		2004
<b>Wow! What a  job!</b>		Vivid		Compilation	240	2005
<b>Wow! What an !</b>		Vivid		Compilation	240	2005
<b>Young, Hot and Bothered</b>		Loaded Digital		Lesbian   Young		2005
<b>Your  is My Playground</b>		Vivid		Compilation	240	2005



# Exhibit 37

ame.net : iaafd : personal bio

## Cherokee



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Glamour Models Gone Bad

<b>Performer AKA</b>	No known aliases
<b>Director AKA</b>	No known aliases
<b>Birthday</b>	January 12, 1982
<b>Astrology</b>	Capricorn
<b>Birthplace</b>	Kentucky, USA
<b>Years Active as Performer</b>	2002-2007 (Started around 20 years old)
<b>Year Active as Director</b>	2006
<b>Ethnicity</b>	Native American
<b>Nationality</b>	American
<b>Hair Color</b>	Black
<b>Measurements</b>	36C-24-34
<b>Height</b>	4 feet, 11 inches (150 cm)
<b>Weight</b>	114 lbs (52 kg)
<b>Tattoos</b>	Chinese symbol on inside right forearm; Chinese symbol on back of neck
<b>Non-Ear Piercings</b>	none
<b>Website</b>	<a href="http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&amp;friendID=205152384">http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&amp;friendID=205152384</a> <a href="http://groups.yahoo.com/group/Cherokee-Sweet/">http://groups.yahoo.com/group/Cherokee-Sweet/</a> (fansite)

### Performer Credits

200 Titles

### Director Credits

2 Titles

Titles displayed in a darker row color are compilations. Formats: Check out our Format Key

### As Performer (check scene pairings)

Movie Title	Distributor	Notes	Year	Rev	Formats
100%  jobs 24	Jill Kelly Productions	<i>BJOnly</i>	2004		VDRO
100% Latex	Gothic Media		2005		DRO
7 Deadly Sins	Nectar Entertainment		2005		DRO
Adore	Vivid		2004	1	VDR
Adventures of Be the Mask 1	Metro		2004		DRO
Alexis On Fire	Jill Kelly Productions		2003	1	VDRO
A-List Party Sluts	Back End Productions		2007		DRO
Aria's Sexxx Training Camp	Spice Studios	<i>LezOnly</i>	2006	1	DO
Masterpiece 3	Pure Play Media	<i>Facial</i>	2006	1	DR
turbators 3	Taylor Wane		2006		DRO
Fest 1	Video Team	<i>Facial IR</i>	2003	8	VDRO

Babes Illustrated 13	Metro	LezOnly	2003	4	VDRO
Babes in Pornland 12: Foot Fetish Babes	Puritan International, Ltd.	Facial	2002	3	VDRO
Backseat Bangers 2	Pink Visual Productions		2004		DRO
Bad Kitty	Vivid		2004	1	VDRO
Bare Naked	Vivid	LezOnly	2005	2	DR
Bareback Mounting	Cherry Boxxx	Facial	2006	1	DRO
Behind The Mask	Ultimate Video		2003	4	VDRO
Bellisima	Vivid	Facial	2005	2	DR
Best Of Cherokee	Jill Kelly Productions		2004		VDO
Beverly Hills 9021-ho 4	Celestial	Facial IR	2003	1	VDRO
Big And Bouncy 1	Metro		2006	2	D
Big Booty Revenge 3	Justin Slayer Productions	Facial	2007	2	DRO
Big Man's Baby Got	Cherry Boxxx		2004		DRO
Big Tease 3	Wildlife		2004	1	DRO
Bill And Stace	Jill Kelly Productions	Facial	2003		VDRO
Bitches In Heat 1	Hustler Video	LezOnly	2005	2	VDRO
Black Search 10	Wildlife	Facial IR	2003	4	DRO
Me Sandwich 3	Zero Tolerance	BJOnly	2003	6	VDRO
job Fantasies 21	Toxxxic Entertainment	BJOnly	2005		DRO
Body Builders In Heat 13	Channel 69		2003		VDRO
Body Builders In Heat 16	Channel 69		2004		VDRO
Bush Hunter 2	Mercenary Pictures	Facial IR	2006	2	DR
Busty Beauties 6	Hustler Video	Facial	2003	5	VDRO
Camp Cuddly Pines Power Tool Massacre	Wicked Pictures	Facial	2005	12	DRO
Captured For Tease	Venus Girls Productions		2005		DRO
Casual Sex 1: The Fan	Butterballs McFadden LLC	Facial	2005		
Chasey's Lipstick Lesbians	Baby Doll	LezOnly	2006		DRO
Chasing Reality	Fade Away		2004		DRO
Cherokee: Flesh On Fire	Cherry Boxxx		2003	1	VDRO
Cherokee's Stripper Academy	Cherry Boxxx	Facial	2004	2	DRO
Chick Flick 4	Visual Images	LezOnly	2003	1	VDRO
Chronicles Of Nectar	Nectar Entertainment	MastOnly	2006		DRO
Closer	Wicked Pictures		2005		
Coming On Set	Vivid		2004	1	DR
Crush: Lipstick Lovers	Hustler Video	LezOnly DVDOnly Clip	2006	1	DRO
Culos Gigantes 1	Mercenary Pictures		2006	5	DRO
on My Latin Tongue 1	Madness	Facial	2005	3	DRO
stains 2	Zero Tolerance		2003	7	VDRO
stains 5	Zero Tolerance		2004		VDRO
Dar k Intent	Jill Kelly Productions		2004	1	VDRO
Dar k Side Of Briana	Vivid	Facial	2004	2	VDRO
Dayton's Having A Party	Baby Doll	LezOnly	2003	2	DRO
Dearest Diary	North Star	Facial	2004	2	VDRO
Deconstructing Ava	Sex Z Pictures	Facial	2003	5	DRO
Deep Throat This 15	New Sensations	BJOnly Facial	2003	2	VDR
Deviant Housewives	Metro	Facial	2005	4	DRO

Dirty Fantasies	Cherry Boxxx		2004	1	DO
Dirty Girl	Baby Doll		2003	1	DRO
Double D Babes 4	Loaded Digital		2007	1	DRO
Double Decker Sandwich 4	Zero Tolerance	Facial	2004	4	VDRO
Double Team Dream	Jill Kelly Productions		2004		VDRO
Dreamcummers	High Def Home Entertainment		2005	1	DRO
Ebony Nurses 7	Heatwave		2004		DRO
Erocktvision 2: West Coast Women	Pulse Pictures	LezOnly	2004		VDRO
Evil Bitches	Nectar Entertainment	Facial	2005	3	DRO
Extreme Behavior 5	Adam & Eve	LezOnly	2004	3	DRO
Eye Contact 23	Xplor Media Group		2003		VDRO
Farmer's Daughters Do College	Legend Video		2002	5	DRO
Fast Forward	Wicked Pictures	Facial	2002	5	VDRO
Fatt Entertainment Digital Magazine 6	Fatt Entertainment		2003		DRO
Fatt Entertainment Digital Magazine 9	Fatt Entertainment		2004		DRO
Federal Breast Inspectors	Hustler Video		2006	2	DRO
Flawless	Teravision		2007	2	DRO
Flesh Fest 2	LeWood	LezOnly	2003	4	VDRO
Fluff And Fold	Wicked Pictures	BJOnly Facial	2004	4	VDRO
Foot Traffic 10	Mark Wood		2003	1	DRO
Frosted	Vivid	Facial	2003	1	VDR
Heroes	Colossal Entertainment		2004	8	DRO
Full Service 2	Tight Fit Productions	Facial	2005	1	DRO
Full Service	Hustler Video		2005	4	DRO
Getting What They Deserve 2	Maximum Grind		2005		D
Gina's Filthy Hos 3	Exquisite	Facial	2005		VDRO
Girl Pirates 2	Metro	LezOnly	2006	3	DRO
Girls Home Alone 24	Wildlife	MastOnly	2004	1	DRO
Job Hunnies 9	Toxxxix Entertainment		2005	1	DRO
Jobs 15	Wildlife		2004	1	DRO
Jobs: Collectors Edition 2	Wildlife		2007		DRO
Hind Sight Is 20/20	Vivid		2005		DR
Hit Me With Your Black	Metro	IR	2007		DRO
Home Schooled 5	Fusion	LezOnly	2007	1	DRO
Hook-ups 11	Wicked Pictures	LezOnly	2006	2	DRO
Hot Girls In Heat	Cherry Boxxx		2005		DRO
Housewife 1 on 1 4	Pure Play Media		2006	1	DR
Hustler XXX 27	Hustler Video		2005		DRO
I Dream of Jenna 2	Club Jenna	Swap	2007	4	DR
International Baby Dolls	Baby Doll		2003	1	DRO
Interracial Anal Teens -n- Toys 2	NJ Films	LezOnly	2004	5	DRO
It Girls	Jill Kelly Productions		2005	1	DRO
Jack's Playground 7	Digital Playground	Facial	2003	3	VDRO
Janine Loves Jenna	Club Jenna	NonSex	2006	3	DRO
Jenna's Favorite Fantasies	Jill Kelly Productions	LezOnly	2005		DR
Jenna's Harem	Jill Kelly Productions	LezOnly	2003		VDRO
JKP Girls Off the Hook	Jill Kelly Productions		2004		VDRO



JKP Sex Camp	Jill Kelly Productions		2004		
Just Like That	Wicked Pictures		2006	3	DRO
Kiss My [REDACTED]	Baby Doll		2004		DRO
Lady [REDACTED] Lickers 16	Starr Productions	LezOnly	2004		VDRO
Latin Amore	Jill Kelly Productions		2003	1	VDRO
Latin Amore 2	Jill Kelly Productions		2003		VDRO
Lay Me Down	Vivid		2003	1	VDR
Lettin' Her Fingers Do The Walking	Wicked Pictures	MastOnly	2005		DRO
Lick Clique	Vivid	Facial	2005	1	DR
Licking [REDACTED] 12 Ways 2	Cherry Boxxx	LezOnly	2007		DRO
Lil Jon's Vivid Vegas Party	Vivid	LezOnly	2005	1	DR
Little Lace Panties 5	New Sensations	Facial	2002	4	VDRO
Love Potion 69	Legend Video		2002	3	DRO
Loveless	Vivid	Facial Bald	2003	2	VDRO
Made For Hardcore 1	Darkside Entertainment	Facial IR	2003	1	DR
Malibu's Most Hunted 2	VCA		2004		VDR
Mamacitas 4	Video Team	Facial	2003	5	VDRO
Many Shades Of Mayhem 2	Tight Fit Productions		2005	1	DRO
Matrix Nudes 1	Metro		2004		DRO
Meet the Twins 6	North Star	Facial	2007		DR
MILF Hunter 1	Reality Kings	Facial	2003	2	DR
Million Dollar [REDACTED] 2	Baby Doll		2004	1	DRO
Mobster's Ball	Wicked Pictures	Facial	2006	5	DRO
More Dirty Debutantes 238	4-Play Video		2002		VDR
My First Porn	Cherry Boxxx		2004	5	DRO
Nailed	Vivid		2003	1	VDRO
Nastiest Tease	Baby Doll		2004		DRO
Naughty College School Girls 26	New Sensations	Facial	2002	4	VDRO
Naughty Office 2	Pure Play Media		2006	1	DR
No Man's Land 40	Video Team	LezOnly	2005	4	DRO
No Man's Land Interracial Edition 8	Video Team	LezOnly	2005	2	DRO
North Pole 33	North Pole Enterprises, Inc.	Facial	2002	4	VDRO
Nurse Naughty Girl	Cherry Boxxx	LezOnly	2004		DRO
One True Chance	Outback		2003	3	VDO
Oral Support	Vivid	Facial [REDACTED] Swap	2006		DR
Perfect Kiss	Vivid		2004	1	VDR
Phat [REDACTED] 2	Fusion		2005	3	DRO
Photo Club	Vivid	Facial	2003	2	VDRO
Pin k Slip	Vivid	Facial	2004	2	VDR
Platinum Angels	No Boundaries		2005	2	DRO
Porn Fidelity 9	Juicy Entertainment	Facial	2007	3	DR
Porn Star Station 3	Metro		2005	1	VDRO
Pretty Little [REDACTED] Slaves	VCA	Facial	2005	3	DRO
Pros 3	DVSX		2005	3	DRO
Puritan Magazine 41	Puritan International, Ltd.	Facial	2002	3	VDRO
[REDACTED] Foot'n 1	Zaye Entertainment	LezOnly	2002	2	VDRO
[REDACTED] man's Bikini Butt Babes 2	Feline Films	Facial	2003	1	DRO
[REDACTED] man's Spectacular Butt Babes	Feline Films	Facial	2003	2	VDRO

6					
Rapture In Blue	Wicked Pictures	Facial	2007	3	DRO
Red Vinyl Smother	Bon Vue Enterprises		2006		DR
Round She Goes	Vivid		2004	1	VDR
School Of Hard Knockers 2	Daniel Dakota	Facial	2003		VDR
Scorpio Rising	Vivid		2005	1	VDR
Screaming Orgasms 13	New Sensations	MastOnly	2004	4	VDRO
Second Chance	Wicked Pictures	Facial	2002	4	VDRO
Secret Suburban Sex Parties	Adam & Eve	LezOnly	2003	4	VDRO
Secrets Of The Hollywood Madam 1	Phoenix Releasing	Facial	2004	5	DRO
Sex Business	Cherry Boxxx		2004		DRO
Sex Toys 7	West Coast Productions	Facial	2002	1	VDRO
Skin Trade	Vivid	Facial	2004	4	VDRO
Slut Of Sluts	Jill Kelly Productions		2003	1	VDRO
Smoking Mary Jane	Taylor Wane	LezOnly	2006		DR
So Nice So Naughty	Jill Kelly Productions		2003		VDR
Sorority Sex Kittens: Kappa Kappa Sex	VCA		2007	1	DRO
Strip And Give Me 10	Cherry Boxxx	Facial	2004	1	DRO
Stripper Academy	Cherry Boxxx		2004		D
Sweat	Cherry Boxxx		2004		DRO
Sweet Cheeks 3	Anabolic Video	Facial	2002	3	DRO
Sweet Cheeks 4	Anabolic Video	NonSex	2002	4	VDRO
Taboo 6	Hustler Video	Facial	2005	6	DRO
Take That Deep Throat This 2	North Star	BJOnly Facial	2005		
Teanna Kai's Club House	Baby Doll	LezOnly	2004	2	DRO
Tease Me With Your	Cherry Boxxx	Facial	2003	2	DRO
Teen Dreams 1	New Sensations	Facial	2002	5	VDRO
Teen Scream Virgins	Cherry Boxxx		2005		DRO
Teen Tryouts Audition 21	Devil's Film		2003	1	VDRO
This Is The Girl	Vivid		2004		VDRO
Top Notch Bitches 1	Exquisite		2004	4	VDRO
Trailer Trout 2	Fatt Entertainment		2004		DRO
Tyler Loves Boys	Jill Kelly Productions		2003		VDRO
Unbelievable Sex 3	Jill Kelly Productions		2003		VDRO
Unfaithful Secrets	Black Widow Productions		2005	3	DRO
Valley 911	Wicked Pictures		2004	4	VDRO
Valley Girls 2	Madness	LezOnly	2004	5	VDRO
Valley Vixens	Platinum Blue Productions	Facial	2005		DRO
Vault	Adam & Eve		2003	5	VDRO
VIP 54	Vivid	LezOnly DVDOnly	2005	2	VDR
Vivid Games	Vivid		2003		VDRO
Voluptuous 5	Toxxxic Entertainment		2004	1	DRO
When The Boyz Are Away The Girlz Will Play 13	Jill Kelly Productions	LezOnly	2003		VDRO
Wicked Auditions 2	Wicked Pictures		2003	2	VDRO
Wicked Sex Party 7	Wicked Pictures	Facial	2005	6	DRO
Women of All Ages 1	Channel 69		2005		DRO

Women On Top Of Men 2	Venus Girls Productions		2005	3	DRO
Word Man Does Las Vegas	Coast To Coast		2004		DRO
Young Hot And Bothered	Metro	LezOnly	2007	1	DRO

## As Director

Movie Title	Distributor	Year	Rev	Formats
Dominators 2	Mercenary Pictures	2006	2	DR
Syrens Of Sex 2	Sinteractive Entertainment	2006	4	DR

**The following text must accompany any data taken from this page:**

**If you're using the bio data:** Biographical data courtesy of the Internet Adult Film Database.

**If you're using the film list:** This filmography was taken from the Internet Adult Film Database.

## Usage

"Internet Adult Film Database" in the text above should be linked to:  
<http://www.iafd.com/person.rme/perfid=Cherokee02/Gender=f/Cherokee.htm>

If you prefer, you can use our "powered by IAFD" button, which should be linked to:  
<http://www.iafd.com/person.rme/perfid=Cherokee02/Gender=f/Cherokee.htm>

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## Copyright

Follow this link to our copyright information.

This website, iaafd.com, does not meet the definition of producer as defined in 28 CFR part 75.1 (c)(1-2). This website contains no images depicting an "actual human being engaged in actual sexually explicit conduct" as defined in 18 U.S.C. 2256 (2)(A-E). Therefore this website is exempt from the record-keeping requirements of 18 U.S.C. 2257(a)-(c).

# Exhibit 38

# All Things Cherokee

www.allthingsche

March 10, 2009

Browse &gt;&gt; Site

Search &gt;&gt;

## Articles & FAQs

### The Word Cherokee Sells -- Are You Buying?

by Christina Berry

Ever heard of the Jeep Cherokee or the Jeep Grand Cherokee? If you've ever shopped for clothes at Target then you are probably familiar with the Cherokee brand of clothing too. That's right -- the Cherokee name sells and it sells a lot.

As a Cherokee it might be tempting to purchase these products -- perhaps out of pride for the tribe. However, these products are not associated with the Cherokee people. On the contrary, many Indians feel that the use of the Cherokee name to sell products which are not associated with the Cherokee people is an accepted form of exploitation. The matter is hotly debated, but is one that shoppers should keep in mind if their intention is to "buy Cherokee."

The popular Jeep Cherokee and Jeep Grand Cherokee are both products of the DaimlerChrysler Jeep line. DaimlerChrysler (DCX) is a publicly traded company on the New York Stock Exchange and is headquartered in Germany. They have a quarterly revenue that exceeds 35 billion dollars.

Cherokee, Inc., is the company behind the Cherokee clothes line. However this company does not manufacture any clothing. Instead they license their trademark name and logo. This company is publicly traded on NASDAQ (CHKE) and is headquartered in Van Nuys, California. They have a quarterly revenue of 10.5 million dollars.

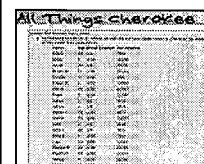
Neither of these companies has anything to do with the Cherokee Nation, Eastern Band of the Cherokee, or the United Keetoowah Band of Cherokee Indian. These days businesses are becoming more aware of the importance of socially responsible business practices and investment. As buyers we too should take these concepts into consideration. As Cherokees how do we feel about these companies using the Cherokee name? Should the Cherokee receive a royalty for the tribal name's use? Should companies be pressured to give something back to the Cherokee? Do you consider the use of the Cherokee name offensive and exploitative or do you consider it an honor?

### The Real Deal

While the two businesses above are not Cherokee, but use the name, there are countless businesses which also use the Cherokee name. In almost all cases the people who have started these businesses are Cherokee or their business is located in Cherokee Country, on Cherokee Street, or have some other location specific reason for using the name.

One example of a business which has every right to use the Cherokee name is Cherokee Nation Industries, Inc. CNI is wholly owned by the Cherokee Nation. It is headquartered in Stilwell, Oklahoma with regional offices in Tahlequah, Oklahoma; St. Louis, Missouri; San Antonio, Texas; and Germany. This is a multi-million dollar diversified manufacturing and service

## Find Your Ancestors On Cherokee Rolls



All Things Cherokee offers custom searches of the Cherokee rolls you in your research. The personal Cherokee rolls

offers information specific to your family name as well as tons of genealogy data. This report is perfect for beginners looking to understand Cherokee genealogy and where it might fit into it.

[Learn More | Order](#)

## Family Tree Research

All Things Cherokee now offers genealogy research services. If you need help with your family tree or understanding Cherokee connections, click here for more about this service.

[Learn More | Order](#)

## 2009 Cherokee History Calendar

Order the 2009 Cherokee history wall calendar today! It's a colorful and informative 12-month calendar featuring photos and information related to Cherokee history.


[Learn More | Order](#)

## Subscribe to the ATC Newsletter



All Things Cherokee is now available monthly with new features, reviews, and queries. Sign up for the ATC newsletter to let you know when the new material is posted.

company with over 150 employees (most of whom are members of the Cherokee Nation). CNI works with both government and commercial clients. CNI was founded in 1969 and is successful as a defense contractor in the Aerospace Industry as it branches out into Telecommunications, Computer Integrated Solutions, Medical Services, and Plastics. Some of CNI's clients include 3-M, Mrs. Smith's Bakeries, and Lucent Technologies.

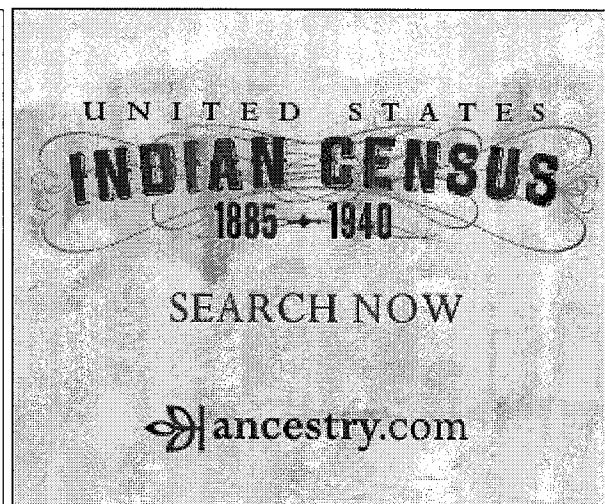
So if you want to use your consumer dollars to "buy Cherokee" you may want to consider exactly who the money is going to when you buy products. Even though the brand says Cherokee that may not be who your money goes to. Although CNI does not sell products for consumers to buy, you can still help to support them indirectly by doing business with the companies that contract out to them.

#### Related Links

- [Cherokee Nation Industries](#)



#### Search The Dawes Roll App Packets

 DNA

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# Exhibit 39

# All Things Cherokee

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March 12, 2009

Browse &gt;&gt;

Site

Search &gt;&gt;

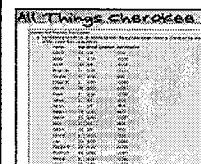
## About Us

All Things Cherokee was created by Christina Berry in March, 1998 under the name "The Cherokee Genealogy Page." Since then the site has gone through numerous changes and grown substantially, but still operates with the original intention of providing helpful and interesting information on Cherokee history, culture, and genealogy.

### Christina Berry - Owner/Operator

I am a tribal citizen of the Cherokee Nation, a member of the Cherokee Artists Association, and a charter member of the First Families of the Cherokee Nation. I was born in Oklahoma, but moved with my family to Texas when I was very young. Always a history buff, I graduated from the University of Texas at Austin with a BA in history. I am a mixed-blood with ancestors from all over Europe and the US -- descended from Old Hop (Kana Gatoga) on one side and Robert the Bruce on the other. When I'm not working on All Things Cherokee, I keep busy with photography.

## Find Your Ancestors On Cherokee Rolls



All Things Cherokee offers custom searches of the Cherokee rolls to help you find your ancestors. The personal Cherokee roll

offers information specific to your family name as well as tons of genealogy data. This report is perfect for beginners looking to understand Cherokee genealogy and where it might fit into it.

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## Family Tree Research

All Things Cherokee now offers genealogy research services. If you need help with your family tree or understanding Cherokee connections, click here for more about this service.

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## 2009 Cherokee History Calendar

Order the 2009 Cherokee history wall calendar today! It's a colorful and informative 12-month calendar featuring photos and information related to Cherokee history.



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## Subscribe to the ATC Newsletter



All Things Cherokee is updated monthly with new features, reviews, and queries. Sign up for the ATC newsletter to be notified when the new material is posted.



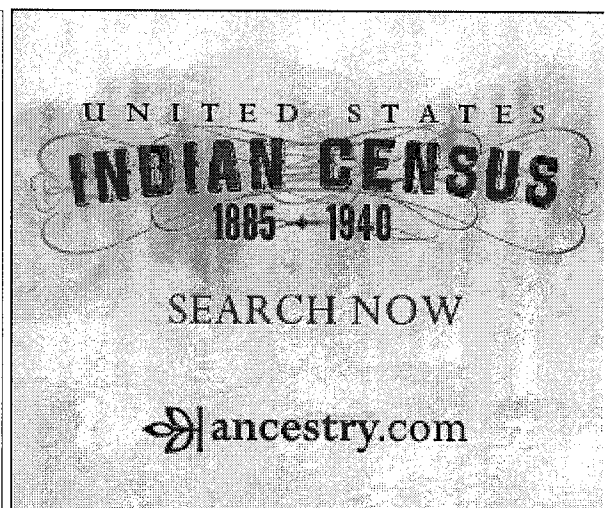


Search The Dawes Roll Application  
Packets

First Name

Last Name

☐ DNA



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# Exhibit 40

INDIAN COUNTRY TODAY

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# AMERICAN INDIAN OPINION LEADERS: American Indian Mascots

## Respectful gesture or negative stereotype?

By Editors Report / Indian Country Today

Story Published: Aug 7, 2001

Story Updated: Sep 10, 2008

In a survey by Indian Country Today, 81 percent of respondents indicated use of American Indian names, symbols and mascots are predominantly offensive and deeply disparaging to Native Americans.

"Indian mascots, by today's standards, would be offensive to any other race if portrayed in a similar manner," wrote Fred Blue Fox, Sicangu Lakota. "Indian peoples are no different in regarding the depiction of eagle feathers, face paints and war objects such as tomahawks. These are all sacred to the people and therefore have no place in any sort of public display, let alone mascots."

Only 10 percent of respondents indicated use of American Indian mascots is a respectful gesture and predominantly honors Natives. Nine percent of respondents did not know if American Indian mascots either honored or offended Natives.

Mark Thornton, Cherokee, taking a position within the minority viewpoint, wrote, "It is my opinion that mascot and other uses of Native American tribe names, terms, etc ? causes the world to acknowledge and respect us. The use of these Native American names for our weapons systems, mascots, and products brings honor and recognition to Native Americans."

Seventy-five percent of respondents also believe use of American Indian names, symbols and mascots at non-Indian schools, colleges and universities should be in violation of anti-discrimination laws.

"It should be recognized there was a time when Black Americans were put through the same treatment as we face today," wrote Dan Townsend, Ojibway and Odawa. "However, their revolts toward society led to laws that forbid discrimination towards them, and opened a door to shine a light on Amerindians and Hispanics."

Twenty percent of respondents indicated that the use of American Indian mascots at non-Indian schools is not in violation of anti-discrimination laws while 5 percent did not know.

Seventy-three percent of respondents also indicated that American Indian mascots create a "hostile educational environment" for Native American students. Seventeen percent indicated that it did not create a "hostile educational environment" while 10 percent did not know.

Dan Webster, Seneca, commented, "I believe that as long as Native names, symbols, etc ? are used, the school should avoid using them in a non-stereotypical manner and should also get permission and/or advice in the use of the symbols of the tribes involved. As long as the school follows these basic guidelines, I don't think it would create a hostile educational environment for Native students."

Respondents also were asked if federal and state education funds should be withheld from schools that continue to use American Indian names, symbols and mascots. Sixty-nine percent indicated yes, 22 percent said no, and 9 percent did not know.

"Under no circumstances should a nation, race or culture be used for entertainment of others," wrote Jerry Gaspard, Choctaw and Tsalagi. "If we cut off funds to these institutions, we hurt only the students that need it the most and that includes Indian students. The program that needs to be instituted should be education for those that walk the fence line between racism and those that just want to belong."

Kara Hawkins, Nez Perce commented, "All teams have named themselves to aspire to the name. The Warriors. The Tigers. The Chiefs. The names themselves are honorable. It's what the fans have done with them. It's what the media has done with them. It's what advertising has done with them. To change the public's attitude is to do as our ancestors do it, by our own example. Our sights and energies should be set on more important concerns, the environment and continued connection to Spirit."

To become an American Indian Opinion Leader send name, tribal affiliation and email address to: [aio@clarityconnect](mailto:aio@clarityconnect).

## Survey comments

"I don't know why so many people have such a problem with treating Native Americans the same as any other minority group in regards to stereotypical portrayals. ? If you refer to me in a manner I find offensive, then you are being offensive ... Telling me you are honoring me by referring to me in that offensive manner does not make it OK, and it does not make it an honor."

? Carey Purnell, Tsimshian

"Its hard to say what's right or wrong when it comes to the mascots, but I don't think our people should be used for "mascots" ... We were already hurt by "Hollywood's impressions of Indians" which we're still trying hard to change ...."

? Brenda, Siksika

"I firmly believe most white Americans believe American Indians possess a kind of magic charm that could enhance their victory at sports events. They do not look at the basis that it offends American Indians ? (Black Americans') revolts toward society led to laws that forbid discrimination ? and opened a door to shine a light on Amerindians and Hispanics. ?"

? Dan Townshend,

Ojibway-Odawa Nations, Sagamok First Nation

"Indian mascots, by today's social standards, would be offensive to any other race if portrayed in a similar manner. What most white people do not understand is that the regalia depicted in mascot art is sacred to Indian people. Catholics would be offended if a caricature of the Pope or of the Chalice or Eucharist was used as part of the art for a mascot for a sports team, Jews would be offended if the Torah was depicted as part of mascot art, etc. ? ."

? Fred Blue Fox, Sicangu Lakota

"I feel that teams and mascots were named after our people simply because we are who we are. ? They appear to be names that were common at the time with whites, (braves, Indians, redskins, chiefs, etc... .) ? it is up to the individual to be proud of or offended ? ."

? Jason Solomon, Cherokee

"With all the hardships and shortcomings facing Indians in today's world, I think this is the silliest 'cause' to argue, and there is little to be gained even if the battle is won. I sincerely believe time is better spent developing local economies, promoting higher education and assuring Indian communities of adequate health care, along with a myriad of lesser concerns ?"

? E. Wilson, Oglala Lakota

"This issue is not as simplistic as this survey indicates. The intent is what is important to the question. Under no circumstances should a nation, race or culture be used for entertainment of others, such as the Cleveland Indians logo, or the phony Florida Seminole cheerleader. ? The program ? should be education for those that walk the fence line between racism and those that just want to belong. ? ."

? Jerry Gaspard, Choctaw-Tsalagi

"I leave the bandwagon on this issue. All teams have named themselves to aspire to the name. The Warriors, The Tigers, The Chiefs. The names of themselves are honorable. It's what the fans ? the media? advertising has done with them. To change the public's attitude is to do it as our ancestors do it; by our own example. ? Our sights and energies should be set on more important concerns, the environment and continued connection to Spirit."

? Kara Hawkins, Nez Perce

"It is an abomination that Indians are still perceived by many as heathens and scalp hunters, which is still being helped to be a perpetuated thought due to these symbols and mascots, etc. Other groups of peoples would not wish their names desecrated in such a fashion. To use the Indian names in such a fashion is irreverent and hinders the cause of freedom that we still seek to attain."

? Lone Eagle Eye, Blackfoot

**Find this article at:**

<http://www.indiancountrytoday.com/archive/28190854.html>

☐ Check the box to include the list of links referenced in the article.

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# Exhibit 41



# THE INTER-TRIBAL COUNCIL OF THE FIVE CIVILIZED TRIBES

[HOME](#)   [FIVE TRIBES](#)   [COUNCIL DOCUMENTS](#)

You are here : Home



The next quarterly meeting of the Inter-Tribal Council will be sponsored by:

**Chief Gregory E. Pyle  
and The Choctaw Nation of Ok**

cordially invite you to the quarterly meeting c

**Inter-Tribal Council  
of the Five Civilized Tribes**

**April 7-8, 2005**

**Headquarters will be at Choctaw Inn  
3 miles South on Highway 69/75  
Durant Oklahoma**

Please contact Choctaw Inn at 580-931-8340 to make your room reservations. Y  
meetings and other activities in the near futi

Formed as a result of various meetings held in 1949 between various leaders and representati  
of the Inter-Tribal Council clearly stated the objectives as follows:

... to secure to ourselves and our descendants the rights and benefits to which we are e  
America, and the State of Oklahoma; to enlighten the public toward a better understanding  
values; to enhance and promote general educational opportunity among members of the Five  
of tribal affairs; to secure and to preserve rights under Indian Treaties with the United St  
welfare of the American Indians ....

Chief A.D. Ellis is now the President of Inter-Tribal, and Malissa Napier is the Secretary. If you  
appear before the Executive Committee, please call Malissa at Creek Nation (918) 756-8700, x

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# Exhibit 42

**The INTER-TRIBAL COUNCIL  
of the FIVE CIVILIZED TRIBES**

NUMBER 2001-08

**THE FIVE CIVILIZED TRIBES INTERTRIBAL COUNCIL MASCOT  
RESOLUTION**

**WHEREAS,**

the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing over 400,000 Indian people throughout the United States, and

**WHEREAS,**

The Inter-Tribal Council of the Five Civilized Tribes Education Committee is dedicated to promoting quality education for American Indian students that includes cultural awareness and a sense of diversity among America's students population; and

**WHEREAS,**

The Five Civilized Tribes believe the use of derogatory American Indian images such as mascots by public schools perpetuate a stereotypical image of American Indians that is likely to have a negative impact on the self-esteem of American Indian children; and

**WHEREAS,**

Negative images and stereotypes about American Indians as mascots contributes to a hostile learning environment that affirms the negative images and stereotypes that persist in American about American Indians; and

**WHEREAS,**

American Indians as mascots is a negative means of appropriating and denigrating our cultural identity that involves the display and depiction of ceremonial symbols and practices that may have religious significance to American Indians; and

**WHEREAS,**

To continue the negative use of American Indian's tribal names and images is an offensive and disgusting practice that would be considered intolerable were other ethnic groups or minorities depicted in a similar manner; and

**WHEREAS,**

On April 13, 2001, the United States Commission on Civil Rights issued a Statement on the Use of Native American Images and Nicknames as Sports Symbols that called for an end to the use of American Indian images and team names by non-Indian schools; that stereotyping of any racial, ethnic, religious or other groups when promoted by public education institutions, teach all students

that stereotyping of minority groups is acceptable, a dangerous lesion in a diverse society; that schools have a responsibility to educate their students; they should not use their influence to perpetuate misrepresentations of any culture or people; and

**NOW THEREFORE, BE IT RESOLVED,**

That the Inter-Tribal Council of the Five Civilized Tribes joins the United States Commission on Civil Rights call to eliminate the stereotypical use of American Indian names and images as mascots in sports and other events and to provide meaningful education about real American Indian people, current American Indian issues, and the rich variety of American Indian cultures in the U.S.

Adopted by the Inter-Tribal Council of the Five Civilized Tribes of Oklahoma meeting at Durant, Oklahoma on July 13, 2001, by a vote of 24 for, 0 against, and 0 abstentions.

Chadwick Smith Signed

Chadwick Smith, Principal Chief  
Cherokee Nation

Greg E. Pyle Signed

Gregory E. Pyle, Chief  
Choctaw Nation

Perry Beaver Signed

Perry Beaver, Principal Chief  
Muscogee (Creek) Nation

Jerry Haney Signed

Jerry Haney, Principal Chief  
Seminole Nation

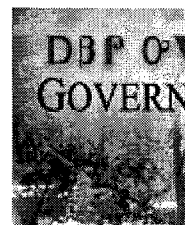
Bill Anoatubby Signed

Bill Anoatubby, Governor  
Chickasaw Nation

# Exhibit 43

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GWY9 DBP  
**CHEROKEE NATION**  
OFFICIAL SITE - [WWW.CHEROKEE.ORG](http://WWW.CHEROKEE.ORG)

[Executive](#) | [Legislative](#) | [Judicial](#) | [Commissions](#) | [Marshals](#) | [Employment](#)[Election](#) | [Tax Commission](#) | [Tag Office](#) | [Constitution Convention](#) | [Environmental Protection](#) | [Gam](#)

3/10/2009 5:20:50 PM CDT

P.O. Box 948 Tahlequah, OK 74465

## Executive Branch

In the 1600's, the Cherokee lived in a time of war and peace that called for a dual organization of tribal government: a white, or peace organization, and a red, or war organization.

The peace organization consisted of a group of elders, a large portion of whom were priests, who performed both secular and religious functions with primary authority vested in the Great High Priest, a.k.a. the Peace Chief or Principal Chief who had a principal assistant, a great speaker, and seven councilors representing the seven clans.

In addition to administering civil law, peace officials alone owned or had knowledge of the prayers for invoking blessings from the Creator.

The war organization consisted of a set of officials who corresponded in rank and duties to the peace officials, except their functions were exclusively military. Their principal officer was the Great War Chief. When at war, the military officials held office in government and controlled all government decisions, but could at anytime be overruled by the Peace Chief. The Cherokee used the color red to signify they were at war.

Today, the power is vested in the Principal Chief. The Principal Chief is responsible for the execution of the laws of the Cherokee Nation, establishment of tribal policy and delegation of authority as necessary for the day-to-day operations of all programs and enterprises administered by the Cherokee Nation tribal government. The Deputy Principal Chief is empowered to act as directed by the Principal Chief. The Principal Chief and Deputy Principal Chief are elected to four-year terms by popular vote of registered Cherokee voters.

### Enabling Services

Support Programs or Services are internal to The Cherokee Nation and enable our day to day government functions. These services are not offered to the general public.

### Chief's Corner

This section of the web site contains personal messages from the Principal Chief and Deputy Principal Chief of the Cherokee Nation.

### Annual Reports

The Report to the Cherokee People is produced annually and paid for by the Cherokee Nation Communications Group, with the assistance of Cherokee Nation program staff, the Housing Authority of the Cherokee Nation, Cherokee Nation Industries, Cherokee Nation Enterprises and the Cherokee Heritage Center. View the archives [here](#).

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# Exhibit 44

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally  
recognized Indian tribe,**

**Opposer,**

**v.**

**Opposition No. 91185103**

**TIFFANY ADAMS,**

**Applicant.**

**DECLARATION OF MATTHEW A. SUNDAY**

1. I am an enrolled member of the Cherokee Nation, Opposer in the above-captioned proceeding. I submit this Declaration in support of Opposer's Motion for Summary Judgment.

2. I have personal knowledge of the matters asserted in this Declaration by virtue of my citizenship in the Cherokee Nation and my familiarity with the culture, heritage and beliefs of the Cherokee Nation.

3. I have reviewed the specimen submitted with the application to register the word CHEROKEE, Serial No. 78748323.

4. I have also reviewed the description of services set forth in the application to register the word CHEROKEE, Serial No. 78748323.

5. The CHEROKEE name is one which is the subject of respect, reverence, devotion and cultural significance.

6. The use of the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, slights, cheapens, undervalues, and discredits the Cherokee Nation, a Native American Indian tribe of great cultural significance, and its citizens.

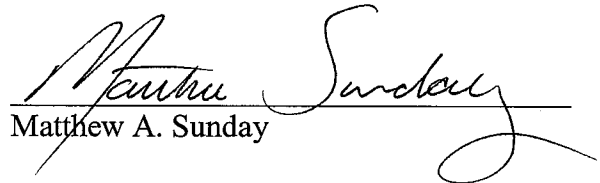
7. To use the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, diminishes esteem and respect for the Cherokee Nation, which thousands of its citizens have died to protect.

8. To use the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, objectifies members of the Cherokee Nation for the applicant's commercial gain, is contrary to the culture of the Cherokee Nation, exposes the Cherokee Nation and its members to contempt, ridicule and embarrassment, and perpetuates stereotypes of Cherokee women which the Cherokee Nation has sought to dispel.

9. I find the use of the word, "CHEROKEE" in the context of the Applicant's proposed mark, to be disparaging of the Cherokee Nation and its members.

10. I regularly interact with other members of the Cherokee Nation. I am not aware of any enrolled member of the Cherokee Nation who would not find the use of the word, "CHEROKEE," in the context of the applicant's proposed mark, to be disparaging of the Cherokee Nation and its members. Consequently, a substantial composite of Cherokee Nation members would find that applicant's use of the proposed mark as shown in the specimen, and in connection with adult entertainment services of the type described in the application, to be disparaging of the Cherokee Nation and its members.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

  
Matthew A. Sunday

# Exhibit 45

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally  
recognized Indian tribe,**

**Opposer,**

**v.**

**Opposition No. 91185103**

**TIFFANY ADAMS,**

**Applicant.**

**DECLARATION OF WILL D. FRAYSER**

1. I am an enrolled member of the Cherokee Nation, Opposer in the above-captioned proceeding. I submit this Declaration in support of Opposer's Motion for Summary Judgment.

2. I have personal knowledge of the matters asserted in this Declaration by virtue of my citizenship in the Cherokee Nation and my familiarity with the culture, heritage and beliefs of the Cherokee Nation.

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6. The use of the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, slights, cheapens, undervalues, and discredits the Cherokee Nation, a Native American Indian tribe of great cultural significance, and its citizens.

7. To use the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, diminishes esteem and respect for the Cherokee Nation, which thousands of its citizens have died to protect.

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I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

  
\_\_\_\_\_  
Will D. Frayser

# Exhibit 46

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally  
recognized Indian tribe,**

**Opposer,**

**v.**

**TIFFANY ADAMS,**

**Applicant.**

**Opposition No. 91185103**

**DECLARATION OF HAILEY G. TYNER**

1. I am an enrolled member of the Cherokee Nation, Opposer in the above-captioned proceeding. I submit this Declaration in support of Opposer's Motion for Summary Judgment.

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5. The CHEROKEE name is one which is the subject of respect, reverence, devotion and cultural significance.

6. The use of the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, slights, cheapens, undervalues, and discredits the Cherokee Nation, a Native American Indian tribe of great cultural significance, and its citizens.



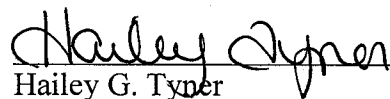
7. To use the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, diminishes esteem and respect for the Cherokee Nation, which thousands of its citizens have died to protect.

8. To use the word, "CHEROKEE," in the manner shown in the specimen, and in connection with adult entertainment services of the type described in the application, objectifies members of the Cherokee Nation for the applicant's commercial gain, is contrary to the culture of the Cherokee Nation, exposes the Cherokee Nation and its members to contempt, ridicule and embarrassment, and perpetuates stereotypes of Cherokee women which the Cherokee Nation has sought to dispel.

9. I find the use of the word, "CHEROKEE" in the context of the Applicant's proposed mark, to be disparaging of the Cherokee Nation and its members.

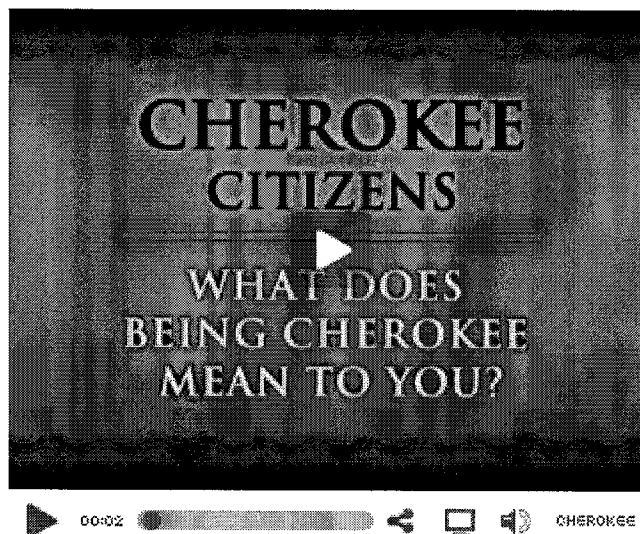
10. I regularly interact with other members of the Cherokee Nation. I am not aware of any enrolled member of the Cherokee Nation who would not find the use of the word, "CHEROKEE," in the context of the applicant's proposed mark, to be disparaging of the Cherokee Nation and its members. Consequently, a substantial composite of Cherokee Nation members would find that applicant's use of the proposed mark as shown in the specimen, and in connection with adult entertainment services of the type described in the application, to be disparaging of the Cherokee Nation and its members.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

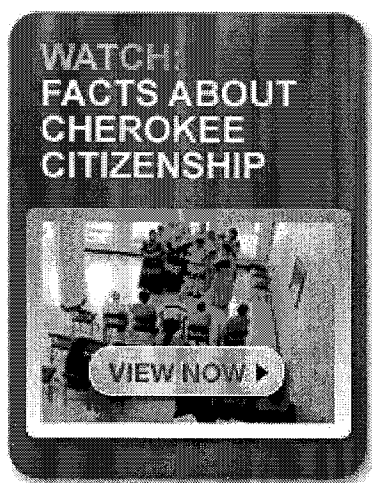
  
Hailey G. Tyner

# Exhibit 47

## Cherokee Citizens



A personal look at Cherokee citizens as they describe what being Che means to them.



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[Login](#)

Site sponsored by the Cherokee



# Exhibit 48

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	78748323
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 107
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	<p style="text-align: center;"><b>REMARKS</b></p> <p>The Office maintains and makes final its refusal to register the proposed mark stating the proposed mark consists of or includes matter that may disparage Cherokee Indians or bring them into contempt or disrepute. The Applicant respectfully disagrees and traverses the rejection. The Applicant reasserts and incorporates herein by reference the arguments set forth in the prior response.</p> <p>The Office restates that the application refers to Cherokee Indians in a disparaging manner because it implicates Cherokee tribe members with 'adult entertainment'. In support of this assertion, the Office reasserts that the wording in the specimen "NATIVE NATURAL NASTY" implies that the entertainer is a Native American. This statement is baseless and unsupported, and is merely conclusory. Further, the Office failed to address any of the arguments offered by Applicant in the prior response regarding this issue. Applicant reasserts the arguments addressing this baseless conclusion.</p> <p>In support of its contention that the mark is disparaging, the Office offers as evidence the web page allthingscherokee.com. The Office refers to the statement on the web page that "many Indians feel that the use of the Cherokee name to sell products which are not associated with the Cherokee people is an accepted form of exploitation." The Applicant contends that this statement is not evidence that "a substantial composite of the general public" believes the use of the Cherokee name to be disparaging.</p> <p>Exploitation is defined as "1. unfair treatment or use of somebody or something, usually for personal gain; and 2. the use or development of something to produce a benefit." Even assuming this comment to be reflective of a "substantial composite of the general public, this comment does not support the contention that the "substantial composite" believes the use of the Cherokee name is disparaging, rather, merely that it is exploitive. Disparaging use is a use that is "showing or expressing contempt or disapproval." It is not a logical conclusion that "exploitive" use is necessarily disparaging. Further, contempt is "a powerful feeling of dislike toward somebody or something considered to be worthless, inferior, or undeserving of respect." The comment cited by the Office fails to support that this mark is disparaging as 1. the comment does not say the use is believed to be disparaging, and 2. there is no evidence that the comment reflects "a substantial composite of the general public." Accordingly, this evidence is not relevant and fails to provide any support for the contention that the proposed mark is disparaging. Rather, this comment suggests that some Indians believe that it is only appropriate for Indians to use these names. Indeed, the author of the article does not seem to be upset that the name is used to sell products, but rather, is merely upset regarding who is using the name. There are no comments by the author that the popular Jeep Cherokee or Jeep Grand Cherokee are harmful products that reflect badly on the Indians and damage their image. Instead, the focus of the author is on how much revenue Daimler Chrysler reports. There is not even an attempt to ascertain how much of this revenue is due to the sale of the Cherokee Jeep line, but rather, seemingly utter contempt for the revenue of the company in general. Similar comments are made regarding a company Cherokee, Inc., wherein the author is upset by the fact that Cherokee Inc. licenses its mark to sell clothing, but does not itself sell clothing.</p> <p>The author cites one example of a business entitled to use the Cherokee name, namely, Cherokee Nation Industries, Inc. Ironically this company does not sell any products to consumers, but rather, this multi-million dollar company is, in part, a defense contractor, and contracts with other third party companies. A question arises as to why if "many Indians feel that the use of the Cherokee name to sell products which are not associated with the Cherokee people is an accepted form of exploitation," that this company is not chastised for being in a service that is not typically associated with the Cherokee people. Instead, the reader is encouraged to do business with the clients of Cherokee Nation. The author however, is not upset at the services offered by Cherokee Nation, which, to the undersigned's understanding, do not reflect any values held by the Cherokee nation; but rather, the author is only concerned that the company is wholly owned by the Cherokee Nation.</p> <p>It is clear that this evidence is not evidence that the use of Cherokee is disparaging, but rather, is evidence of an entirely different issue; namely, that no one else should be entitled to use the name, unless, perhaps some benefit is transmitted back to the Cherokee tribe. Indeed, the article specifically poses these questions: "Should the Cherokee receive a royalty for the tribal name's use? Should companies be pressured to give something back to the Cherokee?"</p> <p>Although the Office offers this web site page as evidence that the use of this mark is considered disparaging, the web site itself suggests that this issue is unresolved. Indeed, the author poses the question "Do you consider the use of the Cherokee name offensive and exploitative or do you consider it an honor?" Clearly, this issue is not resolved among a "substantial composite of the general public" at least as recently as July 6, 2007, the posting date of this article. In light of the foregoing, the Applicant contends that this article is not supportive of the Office's contention that the proposed mark is disparaging.</p> <p>The Office further cites a statement by the Inter-Tribal Council in a joint resolution in 2001. The Council issued a statement that "the negative use of American Indian[] tribal names and images is an offensive and disgusting practice...." The Council's concern however is with respect to the use of Indians as mascots, claiming such use is stereotypical. There is, however, no evidence to support the conclusion that any of these uses are negative. In the present case, the Applicant does not utilize any Indian dress or props, and there is no use of any imagery that could be associated with Indians. Indeed, the Applicant is not a mascot. Accordingly, this concern is moot.</p> <p>The Office references one survey by Indian Country Today magazine stating that 81% of the respondents "reported use of American Indian names, symbols and mascots" as offensive. This survey fails to identify any meaningful information however regarding the basis of the survey. For instance, how many people responded, what was the age group, what questions were asked? The reporting of 81% is a meaningless statistic. Without further information, the weight of this evidence is questionable, and any relevance is suspect. Further, in that same article, in another survey conducted by a Stanford University psychologist, 50% of Native American high school students opposed Indian mascots and 50% said they did not mind. This statistic is hardly evidence of a substantial composite of the general public, and further supports Applicant's contention that this issue is not decided among the substantial composite of the general public.</p> <p>Finally, the last evidence offered by the Office is that Indians find the commercial use of tribal names to be offensive. The Applicant states that it could not find this evidence in the Office Action. Regardless, this statement is suspect in light of the arguments set forth above. It is clear that the issue of using Indian names is only claimed to be offensive if non-Indians use the names. This type of discrimination should not be condoned</p>

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or perpetuated by the United States Trademark Office, an arm of the Federal government, charged with protecting the rights of all of its citizens, including the Applicant.

The Office has failed to provide any substantial amount of evidence to illustrate that the use of the proposed mark is disparaging or immoral or scandalous. In this regard, the Applicant contends that the Office has failed to meet its burden of proof. Indeed, the Office did not initially believe this mark to be immoral or scandalous, and based its conclusion on the inclusion of a single word in the specimen; namely, the inclusion of the word "native". Applicant has already addressed this issue, and contends that the Office's reasoning for this rejection is baseless. Respectfully, the Applicant contends that the Office is merely attempting to impose a policy based in political correctness and is inappropriately protecting a class of citizens to the detriment of other citizens. By its actions, the Office is attempting to set aside an entire group of words for the exclusive use of one group of people. This type of treatment is treatment that is characteristically discriminatory and preferential, and therefore, when practice by a federal agency such as the Trademark Office, is a violation of the U.S. Constitution, and more specifically, in part, the Equal Protection clause.

In further support of its contention that this mark is not disparaging, the Applicant respectfully directs the Office's attention to the PUBLIC HEARING ON OFFICIAL INSIGNIA OF NATIVE AMERICAN TRIBES conducted on July 12, 1999. In the hearing, Assistant Secretary Dickinson set forth the issue of how to define official Indian insignia. The representative of the Tuolumme Band Of Me-Wuk Indians offered the following:

--Assistant Secretary Dickinson: We're here -- we've been asked by the Congress to actually answer a few questions; one of them is: How would we define official insignia?

Statement Of Melody L. Mc Coy, Esq.  
Native American Rights Fund On Behalf Of Tuolumme Band Of Me-Wuk Indians

The Tuolumme Band of Me-Wuk Indians appreciates this opportunity to testify today before the United States Patent and Trademark Office on the Statutorily Required Study of Official Insignia of Native American Tribes. The Tribe is very pleased that federal law may extend trademark protection to tribal insignia. Our comments today address why and how this extension should be accomplished.

.... Our proposed definition of Tribal Official Insignia is narrow. The insignia must include only those emblems, or seals, or designs, that represent the tribe's governmental authority. The insignia must be distinctive, and reasonable likenesses should be protected, as well. Most importantly, the insignia must consist of words plus graphic elements. Words alone, including tribal names, should not be considered insignia. (emphasis added) So, we are proposing that trademark law give tribes the exclusive right to register and use their insignia....

MR. WALSH: I have a question --

ASSISTANT SECRETARY DICKINSON: Mr. Walsh.

MR. WALSH: -- I could ask Ms. McCoy, just a clarification on the portion of the testimony that dealt with what an insignia is.

It says, in the written part it says, "Words alone should not be considered insignia." And it also says, "... the insignia must consist of words plus graphic." I just wanted to clarify.--

The testimony by Ms. McCoy does not suggest that tribal names should be considered unregistrable. Indeed, words alone were explicitly excluded from what should constitute insignia of a tribe, and therefore, make it unregistrable by third parties. The tribes were aware of the registrability of tribal names during this testimony as evinced by the comments of Assistant Secretary Dickinson.

--Assistant Secretary Dickinson: We have had brought to our attention at least one example where a tribe had registered their name for various goods and services, both I think government services and clothing, if I'm not mistaken. I don't remember, unfortunately, the exact mark.

One thing which this hearing might also help to do is bring to the various Tribe's attention that the marks themselves are registerable independently as trademarks, as you had mentioned in your testimony. ....

In accordance with the testimony of Ms. McCoy, the proposed mark does not include any Indian insignia. Indeed, it is merely a word, which is explicitly excluded from the proposed definition of insignia, and specifically excluded from subject matter which should be protected from registration by third parties.

In the Office Action, the Office states that it is not bound to the decisions of other Examiners in allowing other marks. While this may be true, the Office is not at liberty to selectively apply rules and deny some registrations while allowing others, all based on the identity of the Applicant. In the present case, the application contends that Applicant's identity, in part, is the cause for the denial of this registration. Indeed, the Office cannot simply ignore the many registrations that have been allowed that bear a tribal name. Many of these registrations have been granted to applicants of Indian descent or of Indian affiliation. Selective allowance of these marks is a discriminatory practice that is unlawful. If the Office believes that the proposed mark is derogatory, then ALL of these registrations should have been denied. For example, the application for the word NIGGA, Serial No. 76/639,548 was denied on the basis that the proposed mark was immoral and scandalous. The Applicant, Damon Wayans, is an African American; yet, this did not enter into the consideration of whether this mark was allowable. The Office's position, which has been consistent with respect to this mark and variations of it, is that the mark is immoral and scandalous, and it is irrelevant as to the identification of the Applicant. The same consistency should be applied in these cases.

Although the Office contends that the mark is considered disparaging to Indians, that use of marks as mascots is offensive, and that Indians find the commercial use of their tribal names to be offensive, a review of the Trademark database reveals the application of a different standard of review. For example, applications for the tribal name NAVAJO have been allowed (Serial Nos. 78/883253, 78/883251, 78/883229 and 78/883211) for various goods. Further, application Serial No. 78/873235 for a dancing Indian man dressed in an eagle head and feathers has been allowed. The Applicant for the dancing Indian is affiliated with Indians. The goods and services for this application include vehicle fuels, retail store services, filling stations and restaurant services. It is incomprehensible as to how this mark would not be considered disparaging, especially when applied to the listed goods and services; yet, it was allowed with no outcry from the Indian community or opposition. Further still, Registration No. 3,280,515 for the mark CHEROKEE with an Indian head in full feathers for cigarettes. This mark registered with no opposition. If the proposed mark is disparaging, it is inconsistent that this registration is not disparaging or suggesting a mockery of the peace pipe, for example. This mark registered however, and most likely because of the identity of the Applicant, a federally recognized tribe. Other marks include PECHANGA and variations thereof (Serial Nos. 78/894549, 78/894443), CHEROKEE with Indian head for hunting knives, Reg. No. 1,663,757; CHEROKEE with Indian head for sunrooms, Reg. No. 2,706,122; and at least 73 other marks inclusive of the word CHEROKEE are revealed when a search is conducted in the Trademark database. It is clear from the foregoing that the Office does not consistently apply the rejection that the proposed mark is disparaging. Indeed, the evidence supports otherwise, and suggests that the application of this rejection in this case is inappropriate.

As previously argued, it is useful to consider what the courts have clarified regarding allegedly scandalous marks. When addressing marks that

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<p>are considered scandalous, the courts have made it clear that the officials of the PTO may not readily assume, without more, that they know the views of the public, or even a particular group. In recognition of that fact, the courts have recommended the practice of resolving the issue of whether a mark comprises scandalous matter by first permitting the mark to pass for publication, and then allowing interested members of a composite of the general public who consider the mark to be scandalous to bring opposition proceedings:</p> <p>"We therefore commend the practice adopted by the Board in another case to resolve the issue whether a mark comprises scandalous matter under §1052(a) "in favor of [the] applicant and pass the mark for publication with the knowledge that if a group does find the mark to be scandalous . . . an opposition proceeding can be brought and a more complete record can be established." In re In Over Our Heads Inc., 16 U.S.P.Q.2D (BNA) at 1654-55; cf. In re Gourmet Bakers, Inc., 173 U.S.P.Q. (BNA) 565, 565 (TTAB 1972) (noting that where "no easy applicable objective test" exists to determine whether a mark is merely descriptive or merely suggestive, the frequent manner of disposition is resolution in favor of the applicant on the theory that any person believed damaged by the registration would have the opportunity to oppose registration and present evidence usually not present in the ex parte application). Moreover, the Board has held that under 15 U.S.C. § 1063(a) (1988), any person who believes that he would be damaged by registration of a mark upon the principal register, thus including interested members of the composite of the general public, has standing to challenge registration in an opposition proceeding. See Bromberg v. Carmel Self Serv., Inc., 198 U.S.P.Q. (BNA) 176, 178-79 (TTAB 1978) (opposition proceeding brought by two women against registration of the mark ONLY A BREAST IN THE MOUTH IS BETTER THAN A LEG IN THE HAND for restaurant services). Indeed, such a procedure establishes a meaningful opportunity for response by the applicant with evidence that a substantial composite of the general public would not consider the mark at issue scandalous in the context of contemporary attitudes and the relevant marketplace." In re Mavety Media Group Ltd., supra, 33 F.3d at 1374. See also, Ritchie, v. Simpson, 170 F.3d 1092 (Fed. Cir. 1999); 1999 U.S. App. LEXIS 4153; 50 U.S.P.Q.2D (BNA) 1023.</p> <p>The Applicant contends that this is the proper course of action in this instance, especially in light of the dearth of evidence supporting the Office's position. By following the practice recommended in the Mavety and Ritchie cases, the Office avoids the risk of pre-judging public attitudes toward a proposed registration based on ad hoc responses by government officials, while at the same time affording the affected public an opportunity to effectively participate in the question of whether the registration is proper. Thus, the policy behind the procedure for determining whether a mark is scandalous, or in this instance, allegedly disparaging, encourages, if not requires, participation by members of the general public who seek to participate through opposition proceedings. This policy also dictates that the PTO Examiner should not, ab initio, disallow the registration of the mark on the unilateral determination that it is somehow disparaging, especially when such determination is based solely on a single term in a page advertisement. Indeed, without clearer evidence proving the mark consists of disparaging material, the Applicant is entitled to the benefits of registration, or at least the opportunity for registration by passing the application to publication. See e.g., In re Hershey, 6 USPQ2d 1470, 1472 (Fed. Cir. 1988) (concurring opinion). We remind the Office that reasonable minds clearly differed in this case, as the original Examiner did not raise this issue. This fact alone should further support passing this application to registration as it illustrates that not even the Office is in agreement, and therefore the Office should allow the public to determine whether this mark should be registered.</p> <p>In light of the above arguments, and the Office's failure to meet its burden of proof, the Applicant believes that the application is now in condition for allowance. In this regard, the Applicant respectfully requests that the Office withdraw its refusal that the mark is disparaging and respectfully requests that this application be passed to publication.</p>	
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/anna m vradenburgh/
SIGNATORY'S NAME	Anna M. Vradenburgh
SIGNATORY'S POSITION	Attorney
DATE SIGNED	01/03/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Jan 03 14:33:39 EST 2008
TEAS STAMP	USPTO/RFR-66.253.122.172- 20080103143339231265-7874 8323-4103781b36fdf3d1f597 25e4fa3824287a1-N/A-N/A-2 0080103135802049674

### Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. 78748323 has been amended as follows:



# Exhibit 49

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**CHEROKEE NATION, a federally recognized  
Indian tribe,**

**Opposer,**

**v.**

**TIFFANY ADAMS,**

**Applicant.**

**Opposition No. 91185103**

**DECLARATION OF ANTHONY J. JORGENSEN**

1. I am an attorney with the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., counsel for the Opposer in this proceeding, I submit this Declaration in support of Opposers' Motion for Summary Judgment.

2. I have personal knowledge of the matters asserted in this Declaration by virtue of my role as counsel for Opposers.

3. Annexed as Exhibit 1 to Opposers' Brief in Support of Motion for Summary Judgment (the "Brief") is a true and correct copy of the Notice of Opposition filed by Opposer, Cherokee Nation, in this proceeding.

4. Annexed as Exhibit 2 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, A Brief History of the Cherokee Nation, published by the Cherokee Nation. The printout was generated on March 12, 2009.

5. Annexed as Exhibit 3 to the Brief is a true and correct copy of the 2008 Report to the Cherokee People published by the Cherokee Nation.

6. Annexed as Exhibit 4 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Treaty of Holston, 1791, published by the Cherokee Nation. The printout was generated on March 12, 2009.

7. Annexed as Exhibit 5 to the Brief is a true and correct copy the application to register the mark, CHEROKEE, Serial No. 78748323, filed by Applicant on November 7, 2005.

8. Annexed as Exhibit 6 to the Brief is a true and correct copy of a printout from <http://en.wikipedia.org> reflecting the results of a search performed for the word, “Cherokee.” The search was performed and the printout generated, on March 10, 2009.

9. Annexed as Exhibit 7 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Organizations, published by the Cherokee Nation. The printout was generated on March 11, 2009.

10. Annexed as Exhibit 8 to the Brief is a true and correct copy of the record of the registration for the mark CHEROKEE CASINO RESORT from the TARR databases of the United States Patent and Trademark Office.

11. Annexed as Exhibit 9 to the Brief is a true and correct copy of the record of the registration for the mark CHEROKEE HILLS GOLF CLUB from the TARR databases of the United States Patent and Trademark Office.

12. Annexed as Exhibit 10 to the Brief is a true and correct copy of a printout from [www.cherokeecasino.com](http://www.cherokeecasino.com) entitled, Overview, published by Cherokee Nation Enterprises. The printout was generated on March 12, 2009.

13. Annexed as Exhibit 11 to the Brief is a true and correct copy of a printout from [www.cherokeecasino.com](http://www.cherokeecasino.com) entitled, Cherokee Hills Golf Club, published by Cherokee Nation Enterprises. The printout was generated on March 12, 2009.

14. Annexed as Exhibit 12 to the Brief is a true and correct copy of a printout from [www.bartleby.com](http://www.bartleby.com) reflecting the results of a search performed for the definition of the word, "Cherokee." The search was performed, and the printout generated, on March 10, 2009.

15. Annexed as Exhibit 13 to the Brief is a true and correct copy of a printout from [www.askoxford.com](http://www.askoxford.com) reflecting the results of a search performed for the definition of the word, "Cherokee." The search was performed, and the printout generated, on March 10, 2009.

16. Annexed as Exhibit 14 to the Brief is a true and correct copy of a printout from [www.encyclopedia.com](http://www.encyclopedia.com) reflecting the results of a search performed for the definition of the word, "Cherokee." The search was performed, and the printout generated, on March 10, 2009.

17. Annexed as Exhibit 15 to the Brief is a true and correct copy of a printout from [www.merriam-webster.com](http://www.merriam-webster.com) reflecting the results of a search performed for the definition of the word, "Cherokee." The search was performed, and the printout generated, on March 10, 2009.

18. Annexed as Exhibit 16 to the Brief is a true and correct copy of a printout from [www.doi.gov](http://www.doi.gov) Indian Ancestry - Locating the Dawes Rolls, and published on the United States Department of the Interior website. The printout was generated on June 25, 2008.

19. Annexed as Exhibit 17 to the Brief is a true and correct copy of a printout from [www.doi.gov](http://www.doi.gov) entitled Indian Ancestry - Cherokee Indian Ancestry, and published on the United States Department of the Interior website. The printout was generated on June 25, 2008.

20. Annexed as Exhibit 18 to the Brief is a true and correct copy of the Cherokee Nation Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2006 published by the Cherokee Nation on March 28, 2007.

21. Annexed as Exhibit 19 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Clinics and Hospitals. The printout was generated on June 25, 2008.

22. Annexed as Exhibit 20 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Community Services. The printout was generated on June 25, 2008.

23. Annexed as Exhibit 21 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Roads Program. The printout was generated on June 25, 2008.

24. Annexed as Exhibit 22 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Education. The printout was generated on June 25, 2008.

25. Annexed as Exhibit 23 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Cherokee Nation Cultural Site. The printout was generated on June 25, 2008.

26. Annexed as Exhibit 24 to the Brief is a true and correct copy of the Office Action filed in the U.S. Patent and Trademark Office, Serial No. 75506359 on February 11, 1999, concerning the mark, CHEROKEE PROUD.

27. Annexed as Exhibit 25 to the Brief is a true and correct copy of the Office Action filed in the U.S. Patent and Trademark Office, Serial No. 77122071 on June 4, 2007, concerning the mark, CHEROKEE STONEWORKS.

28. Annexed as Exhibit 26 to the Brief is a true and correct copy of the Office Action filed in the U.S. Patent and Trademark Office, Serial No. 76683830 on April 4, 2008, concerning the mark, CHEROKEE CHARCOAL.

29. Annexed as Exhibit 27 to the Brief is a true and correct copy of the Office Action filed in the U.S. Patent and Trademark Office, Serial No. 77556232 on December 10, 2008, concerning the mark, CHEROKEE MY DOLL.

30. Annexed as Exhibit 28 to the Brief is a true and correct copy of a printout from [www.cherokeexxx.com](http://www.cherokeexxx.com). The printout was generated on June 23, 2008.

31. Annexed as Exhibit 29 to the Brief is a true and correct copy the specimen submitted with the application to register the mark, CHEROKEE, Serial No. 78748323, filed by Applicant on November 7, 2005.

32. Annexed as Exhibit 30 to the Brief is a true and correct copy of a printout from [www.merriam-webster.com](http://www.merriam-webster.com) reflecting the results of a search performed for the definition of the word, "Native." The search was performed, and the printout generated, on March 10, 2009.

33. Annexed as Exhibit 31 to the Brief is a true and correct copy of a printout from [www.encyclopedia.msn.com](http://www.encyclopedia.msn.com) reflecting the results of a search performed for the definition of the word, "Native." The search was performed, and the printout generated, on March 10, 2009.

34. Annexed as Exhibit 32 to the Brief is a true and correct copy of a printout from [www.bluecorncomics.com](http://www.bluecorncomics.com) entitled, Indian Women As Sex Objects. The printout was generated on March 11, 2009.

35. Annexed as Exhibit 33 to the Brief is a true and correct copy of a printout from [www.powersource.com](http://www.powersource.com) entitled, The Cherokee Nation. The printout was generated on March 10, 2009.

36. Annexed as Exhibit 34 to the Brief is a true and correct copy of a printout from [www.cherokeexxx.com](http://www.cherokeexxx.com) which has been redacted for filing with the Trademark Trial and Appeal Board (the "Board"). The printout was generated on June 23, 2008.

37. Annexed as Exhibit 35 to the Brief is a true and correct copy of a printout from [www.nurglepornstars.com](http://www.nurglepornstars.com) entitled, Nurple's PornStars Presents -- Cherokee, which has been redacted for filing with the Board. The printout was generated on June 24, 2008.

38. Annexed as Exhibit 36 to the Brief is a true and correct copy of a printout from [www.adultfilmdatabase.com](http://www.adultfilmdatabase.com) entitled, Cherokee, which has been redacted for filing with the Board. The printout was generated on June 24, 2008.

39. Annexed as Exhibit 37 to the Brief is a true and correct copy of a printout from [www.iafd.com](http://www.iafd.com) entitled, Cherokee, which has been redacted for filing with the Board. The printout was generated on June 24, 2008.

40. Annexed as Exhibit 38 to the Brief is a true and correct copy of a printout from [www.allthingscherokee.com](http://www.allthingscherokee.com) entitled, The Word Cherokee Sells -- Are You Buying?. The printout was generated on March 10, 2009.

41. Annexed as Exhibit 39 to the Brief is a true and correct copy of a printout from [www.allthingscherokee.com](http://www.allthingscherokee.com) entitled, About Us. The printout was generated on March 10, 2009.

42. Annexed as Exhibit 40 to the Brief is a true and correct copy of a printout from [www.printthis.clickability.com](http://www.printthis.clickability.com) entitled, American Indian Opinion Leaders: American Indian Mascots. The printout was generated on March 10, 2009.

43. Annexed as Exhibit 41 to the Brief is a true and correct copy of a printout from [www.fivecivilizedtribes.org](http://www.fivecivilizedtribes.org) entitled, The Inter-Tribal Council of the Five Civilized Tribes. The printout was generated on March 12, 2009.

44. Annexed as Exhibit 42 to the Brief is a true and correct copy of The Inter-Tribal Council of the Five Civilized Tribes Resolution No. 2001-08.

45. Annexed as Exhibit 43 to the Brief is a true and correct copy of a printout from [www.cherokee.org](http://www.cherokee.org) entitled, Executive Branch. The printout was generated on March 10, 2009.

46. Annexed as Exhibit 44 to the Brief is a true and correct copy of the Declaration of Matthew A. Sunday.

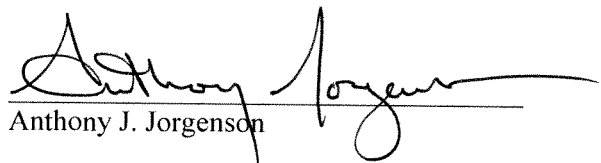
47. Annexed as Exhibit 45 to the Brief is a true and correct copy of the Declaration of Will D. Frayser.

48. Annexed as Exhibit 46 to the Brief is a true and correct copy of the Declaration of Hailey G. Tyner.

49. Annexed as Exhibit 47 to the Brief is a true and correct copy of a printout from [www.meetthecherokee.cherokee.org](http://www.meetthecherokee.cherokee.org) entitled, Cherokee Citizens -- What Does Being Cherokee Mean to You?. The printout was generated on March 12, 2009.

50. Annexed as Exhibit 48 to the Brief is a true and correct copy of the Request for Reconsideration After Final Action filed by Applicant on January 3, 2008.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

  
Anthony J. Jorgenson